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at 10 a.m.
New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 130: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST: (continued)

(a) UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (continued) (A/48/700 and A/48/905)

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AGENDA ITEM 160: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS (continued) (A/48/846 and Corr.1 and A/48/907)

1. Mr. TAKASU (Controller), introducing the reports of the Secretary-General on the financing of the missions referred to in the agenda items which the Fifth Committee was currently considering, said that document A/48/906 contained the results of the review carried out by the Advisory Committee on Administrative and Budgetary Questions of the proposals made by the Secretary-General in his report on the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO) (A/48/848). Many of the observations and recommendations of the Advisory Committee were very reasonable and the Secretary-General intended to implement them as fully as possible. Some of the recommendations, however, might prove difficult to implement.

2. For example, in paragraph 14 of its report (A/48/906), the Advisory Committee expressed its belief that staff who were voluntarily away from Headquarters and not on official duty should not receive mission subsistence allowance at the rate of $110 instead of $40 or $45 per person per day. It would be useful, however, to recall the rationale which the Secretariat used to justify daily mission subsistence allowance at the rate of $110 per person. Paragraph 13 of the above-mentioned report explained that that amount was payable as mission subsistence allowance only to staff who were away from their base duty stations but within the Mission area, unless such staff at a location within the Mission area where they were provided with accommodation and food, in which case the mission subsistence allowance was $40 to $45 per person, depending on the location. That rationale was reasonable and the amounts in question were reasonable and comparable to those which staff serving in other mission areas received. Consequently, it would be very difficult to implement that specific recommendation of the Advisory Committee. He hoped that the rationale which had been used thus far would continue to be applied.

3. In addition, in paragraph 28 of the same report, the Advisory Committee recommended that the Secretary-General should be given authority to use the unencumbered balance of the initial appropriation for the maintenance of MINURSO at the level of $9 million gross for the three-month period from 1 January to 31 March 1994 and $3 million gross per month each month thereafter pending the receipt of the Secretary-General's report on revised cost estimates. Since the

amount corresponding to the first of those subsequent months must be made available at an early date, namely, 1 April 1994, that recommendation would be difficult to implement and its implementation would give rise to serious problems. In that regard, he noted that the Security Council was dealing not only with the question of the mandate of MINURSO, but also with the urgent needs of that Mission for the period beginning 1 April. The Secretary-General had submitted for the Council's consideration several options in that regard, and it was his understanding that the Council would adopt a decision at an early date.

4. As for the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF), contained in document A/48/700, the Advisory Committee had carefully considered that report and had presented the results of its review in document A/48/905, in which it had made important recommendations. In paragraph 6 of its report, the Advisory Committee saw no need to enter the surplus balance of $5,109,700 into the suspense account, as the Secretary-General had proposed. As the Committee would recall, in the case of UNDOF the General Assembly had in the past followed the procedure of transferring the surplus balance to the suspense account in order to facilitate operations, instead of crediting those amounts to Member States. In the above-mentioned paragraph of its report, the Advisory Committee stated two arguments in support of its opinion: the status of assessed contributions to UNDOF and the fact that full reimbursement had been made on a current basis to troop-contributing States. The Secretary-General had done everything possible to speed up the rate at which reimbursements were made to Member States, and, in the case of UNDOF, a good record of reimbursements had been maintained. That good record, however, should not be used as grounds for refusing to approve measures aimed at strengthening the financial base of the operations. That was a matter for the Fifth Committee to consider with a view to finding the most reasonable solution.

5. In paragraph 21 of its report on UNDOF, the Advisory Committee recommended that the General Assembly should approve the Secretary-General's estimate of $32,160,000 and that one half of that amount should be appropriated and assessed in respect of the period from 1 December 1993 to 31 May 1994, in other words, the current period. After that period, in other words after 1 June 1994, the Advisory Committee recommended that the Secretary-General should be given commitment authorization not exceeding $2,680,000 gross per month and that those amounts should be assessed on Member States. He welcomed that recommendation; that was the practice which had been followed on previous occasions by the Secretary-General and the Advisory Committee. It would be extremely useful for the Secretariat to rationalize its budget procedures. He hoped that Member States and the Fifth Committee would keep the matter under review.

6. With regard to the financing of the United Nations Interim Force in Lebanon (UNIFIL), the Secretary-General had submitted his report in document A/48/841, and the results of the Advisory Committee's consideration of that report were also contained in document A/48/905. The comments which he had just made on the Advisory Committee's recommendations in the case of UNDOF also applied to the recommendations which that Committee made on UNIFIL in paragraphs 39 and 40 of document A/48/905. The Secretary-General hoped that Member States would

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continue jointly examining ways of rationalizing the procedures for the financing of peace-keeping operations.

7. Lastly, the Secretary-General's report on the financing of the United Nations Peace-keeping Force in Cyprus (UNFICYP) appeared in document A/48/846. The results of the review of that report by the Advisory Committee were contained in document A/48/907. He had only one comment to make with regard to the report of the Advisory Committee on UNFICYP, concerning the financing of operations after the conclusion of the current period: in paragraph 19, the Advisory Committee recommended that the Secretary-General should be authorized to commit a sum not exceeding $3.8 million per month for the period from 16 June 1994 to 15 December 1994, or, in other words, for the period following the current period, and that those amounts should be assessed on Member States. By way of explanation, the Advisory Committee invoked the relatively stable nature of UNFICYP. He welcomed that recommendation, and hoped that the financing of UNFICYP would continue to be streamlined and that Member States and the Secretariat would continue to work together to that end, in the interests of all parties concerned.

8. Mr. SPAANS (Netherlands) said that, taking into account the considerable surplus in the budgets of UNDOF and UNIFIL, his Government believed that those sums should be credited to Member States. That view related not only to the amounts mentioned in the reports of the Secretary-General and of the Advisory Committee (namely, approximately $5.1 million in the case of UNDOF and some $5.7 million in the case of UNIFIL), but also to the amounts that had accumulated since the thirty-third session of the General Assembly, when the Assembly had decided to retain sums of that nature in the suspense account. In the view of his delegation, leaving those sums in the suspense account was a means of rewarding Member States that were in arrears in their contributions or paid them very late, and was in a sense a way of penalizing Member States that paid their contributions on time.

9. With regard to those two operations, UNDOF and UNIFIL, his delegation had two specific questions. First, it would like the Secretariat to provide more information on the "30-30-20-20" depreciation scale referred to in paragraph 17 of document A/48/905, concerning reimbursement for contingent-owned equipment. Moreover, it would welcome information from the Secretariat on the application of that depreciation scale with regard to UNDOF. Its understanding was that a different system was used for the United Nations Protection Force (UNPROFOR).

10. Secondly, with regard to UNIFIL, there were apparently a considerable number of international staff in the General Service category and in the Field Service serving with that operation, which was quite stable. His delegation wondered whether those staff might be replaced by locally recruited staff.

11. Lastly, the Netherlands shared the concerns expressed by other delegations that the process of adopting decisions on resolutions involving peace-keeping operations which the Fifth Committee considered periodically, in particular those concerning UNDOF, UNIFIL and UNFICYP, which were basically quite stable operations that presented relatively few surprises with regard to budget and

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financing, should perhaps be accelerated. It proposed that in each case a draft resolution submitted by one delegation should be distributed, thus obviating the need to hold lengthy informal consultations, since in the case of those operations the Advisory Committee's recommendations on commitment authorizations and assessed contributions could simply be accepted.

12. Mr. ZAHID (Morocco) said that the implementation of the settlement plan for Western Sahara had entered a decisive phase with the proposals submitted to the Security Council by the Secretary-General in document S/1994/283. In that report the Secretary-General, after reviewing the efforts made by himself and his Special Representative for Western Sahara to obtain the cooperation of the other party, which continued to refuse to accept the compromise proposal concerning the interpretation and application of the identification criteria, had presented three options for pursuing the work of preparing the referendum. Option A proposed that the settlement plan should be carried out even without the cooperation of the other party. Option B proposed that the work of identification and registration should continue on the basis of the compromise proposal, while efforts to obtain the cooperation of the other party continued. Option C proposed a reduction in the United Nations presence, which, in view of the lack of cooperation of the other party, would be limited to monitoring the cease-fire.

13. In view of the fact that the United Nations must not lose interest in a matter in which it had invested so much effort and money, only two valid options existed, options A and B. His delegation favoured proceeding on the basis of option A, since in its view Morocco, which had already made numerous concessions in the interests of accelerating the implementation of the settlement plan, should not be made to suffer because of the disinclination of the other party. Morocco would much regret the adoption of option B, since, aside from requiring further resources, it would indicate that neither the resolutions adopted by the Security Council on the question of Western Sahara nor the settlement plan had been heeded.

14. Those preliminary comments demonstrated that the Secretary-General's proposals on the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO) were not appropriate and should be re-examined in view of the foreseeable evolution of the situation. Certain proposals were unacceptable, such as the use of the Special Representative "on an as-required basis" at a time when an increase in the activities of MINURSO was envisaged. The proposal to make use of the services of the Special Representative in that manner, for the purpose of eliminating his post, had been made by the Advisory Committee on Administrative and Budgetary Questions (ACABQ), contrary to its normal practice, without a prior evaluation of the volume of work to be carried out by the Special Representative. The decision to eliminate the post of Special Representative ran counter to the provisions of the settlement plan and of the pertinent Security Council resolutions; Morocco therefore requested that that post should be re-established and the necessary resources should be allocated to pay for it for a period of not merely six months, but one year. It also requested the Secretary-General to submit a report on the use, by the

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United Nations, of the term, "on an as-required basis" for the services of high-ranking officials, including those of ACABQ.

15. The preliminary budgetary estimates for the financing of MINURSO had envisaged a post of Assistant Secretary-General for the Deputy Special Representative. Considering that the Secretary-General had recently named the chairman of the Identification Commission as Deputy Special Representative, Morocco proposed that the post of Assistant Secretary-General should be reinstated in the budgetary estimates for MINURSO.

16. Morocco requested the Secretariat to review the funding of MINURSO in view of the proposals currently before the Security Council with regard to the activities of the Mission, and to explain its conception of the future activities of the Special Representative. It also requested a clarification of the current functioning of MINURSO without the services of the Special Representative.

17. Mr. BOIN (France) agreed with the Netherlands representative that the surpluses in the accounts of peace-keeping operations should be credited to the countries that paid assessed contributions for the financing of such operations, making sure that such surpluses were credited to those countries that had actually paid their assessed contributions. He had already made proposals to that end at informal meetings concerning some peace-keeping operations. He hoped that those proposals would be considered carefully by the Secretariat and by delegations.

18. His country contributed substantial numbers of troops to the United Nations Interim Force in Lebanon (UNIFIL) and was currently owed considerable sums that the Force was not in a position to reimburse due to its precarious financial situation. France had had to incur expenses amounting to several millions of dollars in respect of sickness, disability and death compensation for members of its contingent. As such expenditure involved not only delicate financial issues but also delicate political issues, his delegation wished to know how the appropriations approved for the financing of that peace-keeping operation had been calculated - had they been calculated net of debts owed to troop-contributing countries or according to another formula? Reimbursements must be made not only to the countries that had paid their assessed contributions but also, in particular, to troop-contributing countries.

19. The financing of stable peace-keeping operations such as UNIFIL, UNFICYP and UNDOF should be carried out on an annual basis. The decision to finance those forces on an annual basis could be taken right away, initially, for the current phase, on the basis of an authorization to enter into commitments for expenditures that would extend such financing until the end of March 1995. Later, that financing could be effected for normal yearly periods. Naturally, the adoption of such measures should not be construed as granting a permanent mandate to those peace-keeping operations; their extension should continue to be considered periodically.

20. Mr. KELLY (Ireland), speaking on behalf of Australia, Austria, Canada, Denmark, Finland, Sweden and his own country, and referring to the financing of the United Nations Peace-keeping Force in Cyprus (UNFICYP), said that that group of UNFICYP troop-contributing countries reaffirmed its support for the changes in the financing of the Force approved by the Secretary-General in September 1993. Provision had been made in those changes for the partial funding of UNFICYP from assessed contributions, which represented considerable progress towards acceptance of the principle of collective responsibility in the financing of peace-keeping operations.

21. Expenditures in connection with peace-keeping operations must be reimbursed quickly and in full since they otherwise constituted an excessive financial burden for troop-contributing countries, especially developing countries. In the case of UNFICYP, expenditures of those countries for the period prior to the new financial arrangements had been reimbursed only up to the end of 1981. From then until 16 June 1993, some $200 million in arrears had been accumulated in respect of reimbursement to troop-contributing countries. That amount represented legitimate peace-keeping expenditure by those countries which the United Nations must reimburse. It must be borne in mind that such expenditures constituted only a small part of the total expenditures; that those countries had incurred in order to be able to provide troops to UNFICYP over the previous 30 years, since the original arrangements pertaining to the establishment of the Force had provided for only a partial reimbursement of such expenditure.

22. The countries that contributed troops to UNFICYP welcomed the measures adopted by the Secretariat in order to solve that problem through the request for voluntary contributions to the special account for the period prior to 16 June 1993. They also welcomed the voluntary contributions made in response to the Secretary-General's appeal of 12 November 1993 and wished to express their gratitude to all Member States and observer States for their contributions towards the reimbursement of the sums owed to troop-contributing countries in respect of the period prior to 16 June 1993.

23. Additional measures needed to be adopted, based on the principle that peace-keeping expenditures must be financed by all Member States. Consequently, he reiterated the proposal made previously during the debate on that issue to the effect that the Secretary-General should be requested to use, at the end of each mandate, starting with the period that ended on 15 December 1993, the unencumbered balances, miscellaneous income and interest income on the UNFICYP special account to reimburse the expenditures incurred by troop-contributing countries prior to 16 June 1993.

24. Mr. KUZNETSOV (Russian Federation), referring to the documents submitted by the Secretariat concerning the financing of peace-keeping operations, said that it was unacceptable that a number of those documents had been only partly translated into Russian. Such incidents should not be allowed to recur especially with respect to highly important documents such as those on the financing of peace-keeping operations.

25. Mrs. CAIRNS (United Kingdom) expressed agreement with the statement of the representative of Ireland speaking on behalf of other countries that had contributed troops to UNFICYP until 16 June 1993. The United Kingdom, however, had not requested the reimbursement of its expenditures for that period.

26. Mr. RAMOS (Spain) agreed with the representative of the Russian Federation that it was unacceptable for delegations not to be able to have documents fully translated into the official languages of the Organization. A few days previously, his delegation had demanded that right and was vigorously doing so again. He hoped that an end would be put to that practice.

27. Mr. TAKASU (Controller) expressed his gratitude for the contributions of Member States to the missions in the form of both troops and cash, such as the very generous contribution of the Governments of Greece and Cyprus to UNFICYP.

28. Concerning reimbursements to troop-contributing States, the UNFICYP situation was serious, since until recently that operation had been financed from voluntary contributions, which had been insufficient to cover expenditures, there was considerable delay in reimbursements. The Secretariat, which was trying to the extent possible to effect such reimbursements using the resources available under the old UNFICYP system, was currently working on reimbursement for 1992. Even so, the accumulated deficit for the operation during that period amounted to $200 million which meant that many troop-contributing countries were waiting for their reimbursements, thus creating an extremely serious situation. Should the General Assembly agree, the suggestion made by the representative of Ireland would allow the Secretariat to make progress towards a solution of the reimbursement issue.

29. Concerning the translation of documents including annexes, the Secretariat would see to it that documents were translated into all the official languages. However, when the deadlines were very short, a reasonable amount of time was required not only for the preparation of the cost estimates, but also for their translation into the official languages and their issuance.

30. With regard to the establishment of surplus accounts, in the case of the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Disengagement Observer Force (UNDOF), the Secretariat had benefited in previous years from the General Assembly decision to suspend the application of the Financial Rules on transferring the surplus to the Special Account in order for peace-keeping operations to continue until such time as contributions were received from Member States. In general, that "reserve" had also been of enormous help in easing the cash-flow difficulties of peace-keeping operations. Although some operations were in a better state than others, the overall situation was serious. In the case of UNDOF, in particular, a question had been raised concerning the application of a certain reimbursement formula in respect of contingent-owned equipment. Traditionally, in established operations such as UNDOF, UNIFIL and the United Nations Peace-keeping Force in Cyprus (UNFICYP), the evaluation of equipment provided by troop-contributing countries was relatively simple and the formula established for reimbursement was "30-30-20-20". Thus, budgetary estimates of costs were based on that formula and reimbursement was based on those estimates. In certain recent operations, particularly large-scale operations, the evaluation of contingent-owned

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equipment was more complicated. For example, the UNPROFOR budget included 10 per cent of the estimated value of contingent-owned equipment. That did not mean that there had been a change in Secretariat policy and that 10 per cent was now paid on all operations; the formula for reimbursement remained the same. The question of the formula for reimbursing contingent-owned equipment was one on which the Secretary-General was to submit a report.

31. Concerning the more widespread use of local personnel, the Secretariat was aware of that vital question, which would have great advantages not only in terms of costs but also of the operations themselves, and he was considering it carefully.

32. With regard to the question of how to treat revised cost estimates for MINURSO in the light of the imminent decision by the Security Council, the budget document which had been submitted by the Secretary-General and considered by the Advisory Committee was based on the criteria in force and no changes were envisaged in the current level of maintenance. As for the various operational options, whatever decision the Security Council took would have additional financial implications over and above what the Advisory Committee had recommended, namely, $3 million per month. In the light of the Security Council decision, the Secretary-General intended to begin preparing a detailed statement of estimated costs, on the basis of which the General Assembly could determine additional requirements, but the granting of commitment authority would not prevent the Secretariat from continuing the operation at the same level of maintenance.

33. The question of the arrangements regarding the Special Representatives of the Secretary-General had been closely considered by the Advisory Committee in the autumn of 1993. Basically, the Committee had recommended that the Secretariat should review those arrangements in view of the uneven volume of activity and had invited the Secretary-General to consider the viability of establishing posts on an as and when employed basis. The Secretary-General, who believed that the political process had reached its current phase as a result of the constant efforts of the Special Representative, had carefully considered the question and decided that, effective 1 December 1993, the Special Representative would be paid on a "when actually employed" basis. The Special Representative had been in the Mission area a number of times in January and February. The budget submitted had been formulated on that basis and the Secretary-General intended to continue to review the arrangement in order to determine the best possible combination of the functions of the Special Representative and the Deputy Special Representative, since activities outside the Mission area were extremely important and there must always be a person in charge when the Special Representative was absent from the area, in accordance with the settlement plan. The Secretariat was keeping the question under constant review and would revert to it, if necessary. If there was a better formula, a proposal would be submitted in due course.

34. Many delegations had said that they favoured a more flexible budgetary process in respect of peace-keeping operations; the Secretariat welcomed that

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positive attitude, which would be to everyone's advantage. There was probably a way to improve the current procedure without compromising the required budgetary transparency.

35. Mr. ZAHID (Morocco) said that, although the Controller had indicated that the Secretariat would ensure the continuation of MINURSO at the same level of activity, the report of the Secretary-General to the Security Council (S/1994/283 and Add.1) made it abundantly clear that, whatever option was approved, resources for the Mission would have to be increased. Option C should be ruled out, since the United Nations was determined that efforts to resolve the problem in Western Sahara should continue. Both the Secretariat and the Advisory Committee knew that the remaining options A and B, involved an increase in the resources required. Although specific activities were already planned under those options, the Secretariat was trying to ignore them and to get the Fifth Committee to take a decision prior to a decision by the Security Council in that regard. In his explanation on the question of the Special Representative, the Controller had not responded to his delegation's observation that there was a legal issue involved: the Advisory Committee was interfering in political affairs by making proposals which might impede the implementation of the settlement plan, in which so much work had been invested. Moreover, the proposals were contrary to the Security Council resolutions appointing the Special Representative and approving the settlement plan and to the first resolution on financing, in which the establishment of the post of Special Representative had been approved as a full-time post - not only on a "when actually employed" basis - and the post of Deputy Special Representative had been established at the assistant secretary-general level. He wished to know why the Secretariat had omitted any reference to that post in the report and why MINURSO was to remain under a staff member at the D-2 level.

36. For all those reasons, his delegation did not accept either the recommendations of the Secretary-General or those of the Advisory Committee, but would like to see new proposals submitted which would take into account the foreseeable factors and which were already under discussion, before the question was referred to informal consultations.

37. Mr. DJACTA (Algeria) said that, for the time being, his delegation would refrain from stating its position on the recent report of the Secretary-General to the Security Council on MINURSO (S/1994/283 and Add.1). As for the options set out in that report, his delegation was of the view that the Fifth Committee was not the most appropriate forum for a debate on the question. Naturally, it believed that MINURSO must be maintained. His delegation would never oppose any measures aimed at administrative rationalization and savings which were approved by the Secretary-General and supported by the Advisory Commission; moreover, it believed that such measures deserved the support of the Fifth Committee. He asked what the consequences would be for MINURSO if the informal consultations were delayed.

38. Mr. ZAHID (Morocco) said that, while it was true that the Fifth Committee was not a political organ, it was a Committee of the General Assembly, and in that sense it was. Morocco had almost always supported the recommendations of

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the Advisory Committee, but, in the case in question, the Advisory Committee had made proposals of a political nature which might be prejudicial to an operation and, in particular, to the work of the Special Representative. He also hoped that, in future, the General Assembly would be kept informed of the correspondence exchanged between the Advisory Committee and the Secretariat; it was regrettable that the General Assembly had no knowledge of such important proposals when the daily newspaper Al-Watan had information on the whole issue and had published commentaries on it several months earlier at the time when it had been under consideration by the Advisory Committee. Such information leaks from what was supposed to be a technical body were unfortunate.

39. Mr. BOIN (France) regretted the absence of any mention of the important question of the amounts paid by his country by way of compensation for sickness, disability or death in respect of members of the French contingents to which his delegation had referred in connection with UNIFIL and, in general, with all the operations to which France had long been contributing significant contingents. On 15 February, the Permanent Representative of France had addressed a letter on that subject to the Secretary-General. France would welcome a reply to that letter from the Secretariat during a formal meeting.

40. Mr. ZAHID (Morocco) said that when Morocco had approved the budget for MINURSO it had not been aware that the Mission's mandate would be for a fixed period of time. In its view, the duration of the Mission should be determined only by the time that was required for the implementation of the approved settlement plan, in accordance with the timetable set out therein; at no time had a specific time-frame been established for the completion of that task. Given the fact that it was the only operation for which financial resources were still available, he failed to understand why difficulties were being raised in that regard. The decision which the Security Council was to take with respect to the Mission had nothing to do with its mandate, but rather with the relevant measures to be adopted in the future. In his view, from a legal standpoint, there was no need to take a further decision to authorize the Secretary-General to use the resources available, although, given the changes that had been introduced, Morocco would not object to the adoption of a new provision which would take those changes into account. His delegation reserved the right to revert to the subject if necessary, following the Controller's reply to the questions raised.

41. Mr. TAKASU (Controller) said that he could assure the representative of Morocco that there was close coordination between the report of the Secretary-General to the General Assembly (A/48/848) and the report of the Secretary-General to the Security Council (S/1994/283 and Add.1), since his office had dealt with the financial aspects of both documents. As indicated in paragraph 16 of document A/48/848, the Secretary-General had decided to maintain the military and civilian strength which MINURSO had at the time the decision was adopted until he submitted his next report to the Security Council. In document S/1994/283/Add.1, the Secretary-General had submitted cost estimates for the proposed options A, B and C. The cost of option A - under which the United Nations should proceed to hold the referendum at the end of the year - would be $78.5 million, a sum which, when added to the initial estimates, would

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make a total of $108 million. The cost of option B, under which the Identification Commission would continue its work for a period of three months beginning on 1 April and the Security Council would take a decision in the light of the progress made during that period, would be $4.3 million, an amount which, when added to the estimates already provided, would make a total of $14.2 million.

42. Option A would require a complete revision of the estimates of expenditure, which would in fact mean the preparation of a new budget. Option B would involve an increase in requirements of approximately 30 per cent, which would mean that new commitment authority would have to be sought. The Fifth Committee would have to review the situation very carefully in the event that the Security Council decided to extend the mandate of MINURSO.

43. After careful review, the Secretary-General had accepted the new approach to the utilization of the Special Representative's services recommended by the Advisory Committee, provided that that approach would not impede the fulfilment of the operation's mandate. If at any time the Secretariat, which was keeping the situation under constant review, considered that the situation had changed, it would inform the Advisory Committee or the General Assembly accordingly. There were therefore no misunderstandings with regard to the respective responsibilities of the Secretariat and the Advisory Committee.

44. With regard to the concern expressed by the representative of France, he regretted the number of cases of disability and death recorded among the UNIFIL contingents. The United Nations was currently reimbursing an amount equivalent to the compensation which had been paid by the Member State in question to the families of the victims, in accordance with the national legislation in force. The United Nations was effecting the reimbursements as soon as possible following the receipt of a certified statement of the exact amount of the compensation.

45. Mr. ZAHID (Morocco) said that the Secretariat had not given a satisfactory reply to the question concerning the elimination of the post of Special Representative of the Secretary-General for Western Sahara; that raised a serious legal problem, since the post had been envisaged in the settlement plan and in the relevant resolutions of the Security Council. The Secretariat had eliminated the post at the request of the Advisory Committee, despite the fact that, on 1 November 1993, the Department of Political Affairs had stated in internal correspondence addressed to the Controller that the Secretary-General had confirmed the need for the continued services of his Special Representative in order to be able to implement the settlement plan. He wished to place on record that Morocco was not prepared to accept the recommendations of the Advisory Committee or of the Secretary-General if those recommendations were not duly modified.

46. The CHAIRMAN suggested that the Vice-Chairman of the Committee should coordinate informal consultations on those peace-keeping operations to which reference had been made during the meeting.

47. It was so decided.

ORGANIZATION OF WORK

48. The CHAIRMAN drew the Committee's attention to the proposed programme of work of the Fifth Committee for the resumed forty-eighth session, which appeared in document A/C.5/48/L.37/Rev.2.

49. Mr. DAMICO (Brazil) said that the programme of work indicated that the meetings of the open-ended Working Group on the placement of Member States into the groups for the apportionment of peace-keeping expenses would be announced at a later date; however, in the Journal of Wednesday, 23 March 1994 (No. 1994/56 (Part I)), it was announced that those meetings would be held on 24 and 25 March 1994. It was his delegation's understanding that the General Assembly had still not taken a decision on the meetings of that Working Group; he would therefore welcome clarification from the Secretariat.

50. His delegation also shared the Chairman's opinion that maximum use should be made of the valuable time available, in terms of conference services, and it did not consider it wise to hold meetings of the Working Group at a time when the review by the Committee of other aspects of peace-keeping operations was still pending.

51. Mrs. PEÑA (Mexico) supported the views just expressed by the representative of Brazil. It was her delegation's understanding that the meetings of the Working Group would be held at the end of April 1994. Furthermore, small delegations, like that of Mexico, had great difficulty in keeping up with the progress of the work of the various bodies when the meetings and sessions of two or more bodies were held simultaneously.

52. Mr. SPAANS (Netherlands), Mr. MAZEMO (Zimbabwe), Mrs. GOICOCHEA (Cuba) and Mr. BOIN (France) said that they shared the concern expressed by the representatives of Brazil and Mexico about the Committee's programme of work and the meetings of the Working Group.

53. The CHAIRMAN said that, in light of the comments made, the Bureau of the Fifth Committee would propose new dates for the meetings of the Working Group on the placement of Member States into the groups for the apportionment of peace-keeping expenses. He added that the new dates would be after the Committee had concluded its review of the 17 peace-keeping operations.

The meeting rose at 12.50 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
55th meeting
held on
Wednesday, 23 March 1994
at 6 p.m.
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 137: FINANCING OF THE UNITED NATIONS OPERATION IN SOMALIA II (continued)

ORGANIZATION OF WORK

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Distr. GENERAL
A/C.5/48/SR.55
18 April 1994
ENGLISH
ORIGINAL: FRENCH

94-80516 (E)

The meeting was called to order at 7 p.m.

AGENDA ITEM 137: FINANCING OF THE UNITED NATIONS OPERATION IN SOMALIA II (continued) (A/C.5/48/L.48)

1. Mr. KELLY (Ireland) introduced draft resolution A/C.5/48/L.48 on the financing of the United Nations Operation in Somalia II, and the revisions which had been made to it during informal consultations. A new paragraph had been inserted before paragraph 1, which read: "Takes note of the status of contributions to the United Nations Operation in Somalia, as at 22 March 1994, including the contributions outstanding in the amount of 153,104,873 dollars". In the former paragraph 5, the word "independent" in square brackets should be deleted. In the former paragraph 11, the phrase "promptly and in full" should be replaced by "in full and on time".

2. Despite a long debate, the Committee had been unable to reach any agreement on paragraph 12 bis because of the views of one Member State; it had therefore been deleted. The paragraph, which it had been agreed should be read out during the formal meeting, read: "Expresses its concern at the high level of arrears to its Special Account for the Operation in Somalia II and the resulting cash flow problem, and requests the Secretary-General to draw to the attention of the Member States whose arrears contribute substantively to this problem at a high political level, in order to ensure early payment of those arrears, and to minimize the need for other countries to accept higher levels of fresh assessments than would otherwise be necessary;".

3. Former paragraph 14 reflected the Committee's decision to appropriate to the Special Account for the United Nations Operation in Somalia II (UNOSOM II) an amount of $639.4 million gross for the period from 1 November 1993 to 31 May 1994. In former paragraph 15, the General Assembly would decide to apportion the amount of $513.2 million gross ($509.2 million net) for the period from 1 November 1993 to 31 May 1994, taking into account the amount of $126.2 million gross ($125 million net) already apportioned in accordance with General Assembly decision 48/471.

4. Paragraphs 17 bis and 17 ter should be deleted and replaced by the following text: "Requests the Secretary-General, in view of the amounts of the unencumbered balances which arise in some peace-keeping operations to study the feasibility of a possible retention of the shares of Member States in the unencumbered balances of peace-keeping operations until the Member States meet all outstanding obligations in respect of the period concerned, and to report to the General Assembly in the context of agenda item 138 no later than 31 May 1994;". It was understood that the Secretary-General's report would also be considered by the Fifth Committee under agenda item 124 (Improving the financial situation of the United Nations). In former paragraph 18, the two portions of the text in square brackets should be replaced by the following: ", the amount of $154,885,034 gross ($152,664,834 net) to be apportioned among Member States in accordance with the scheme set out in the present resolution". In former paragraph 19, the General Assembly would request the Secretary-General to submit budget proposals in the event that it was decided to continue the

(Mr. Kelly, Ireland)

mandate of the Operation in Somalia II beyond the date currently agreed. Those proposals must, however, be submitted not later than 15 July 1994, rather than 1 September 1994.

5. The CHAIRMAN, replying to a question put by the Netherlands representative, said he believed that all the rules of procedure had been observed. He therefore suggested that the Committee should adopt the draft resolution, as revised, without a vote.

6. It was so decided.

7. Mr. GRANT (United States of America) said that his Government had indicated on several occasions, inter alia, in the statement made by President Clinton in September 1993 and through the Permanent Representative of the United States to the United Nations, Ms. Albright, that it intended to pay its assessed contribution and arrears in full. The matter had been brought to the attention of Congress. In a statement which she had made to the House of Representatives Ms. Albright had noted that she would be in a better position to press for the adoption of the reforms desired by the United States if she could give an assurance that it would discharge its financial obligations promptly in full. It was, however, true that the United States was not up to date in the payment of its contributions to peace-keeping operations.

8. His delegation had been opposed to the adoption of paragraph 12 bis because it was not convinced that the link established in that paragraph between arrears and an increase in assessments had been proved. Members of the Committee had been unable to obtain from the Secretariat a detailed report on how the Organization succeeded in managing peace-keeping operations despite the fact that the great majority of its Member States had not paid their assessments. While it was true that the troop-contributing countries were being reimbursed late and that funds were being transferred from the accounts of other operations, there was no basis for asserting that the arrears owed by some countries obliged other Member States to accept higher levels of fresh assessments than would otherwise be necessary.

9. Finally, he regretted that it had been decided to refer to the position of one Member State in the statement made to the Committee on the outcome of the informal consultations. In his delegation's view, one of the basic principles for the functioning of the Fifth Committee was that it should try to reach a consensus which satisfied all delegations. It was in that spirit that his delegation had participated, and would continue to participate, in informal consultations on peace-keeping operations.

10. Mr. STITT (United Kingdom) said that, while he welcomed the adoption of the draft resolution as revised, he found it regrettable that paragraph 12 bis had not been included. That paragraph reflected the concerns of Member States which had paid their contributions promptly and in full and to which the Organization owed considerable amounts of money because they contributed large contingents of troops. That opinion, which was shared by a large majority of delegations, was

(Mr. Stitt, United Kingdom)

not aimed at any delegation in particular and he intended to revert to the matter during the forty-eighth session.

11. Mrs. GOICOCHEA (Cuba) deplored the fact that the Fifth Committee's negotiations had been made more difficult as a result of several attempts to introduce elements which did not relate exclusively to the financing of the peace-keeping operation under consideration but had to do with agenda items 138 (Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations) and 124 (Improving the financial situation of the United Nations). Her delegation endorsed paragraph 17 bis of the revised text and hoped that, despite technical difficulties, a study would be submitted in the context of agenda item 124. While her delegation agreed with former paragraph 18, she emphasized that bypassing the Advisory Committee on Administrative and Budgetary Questions should remain an exception, that any decision in that regard should be taken during the consideration of each draft resolution, and that the role of the Advisory Committee itself should be considered under agenda item 121 (Review of the efficiency of the administrative and financial functioning of the United Nations). While she welcomed the fact that the Chairman had approved of the procedure followed, she regretted that the practice whereby delegations were free to join, or not to join, in a consensus at any moment had not been followed.

12. Ms. ROTHEISER (Austria), pointing out that her country had paid its contributions to peace-keeping operations and to the regular budget of the Organization in full, said that she deeply deplored the fact that, because one delegation had not agreed to it, paragraph 12 bis had not been adopted. Her delegation would try to ensure that the Committee considered that question again under agenda item 138.

13. Mr. BOIN (France) said he thought that it was useful to proceed on a case-by-case basis as that made it possible to identify the substantive problems and to draw up guidelines. He regretted that paragraph 12 bis had had to be deleted. The link between arrears and fresh assessments seemed to him obvious and it shed light on how the Organization managed to function, despite everything. It was also regrettable that the Fifth Committee had not been able to accept the proposal to apportion the unencumbered balances only among those Member States which had paid their assessed contributions, and had merely decided once again to request a report from the Secretary-General. In the computer age, any technical problems that might arise were not insurmountable and some doubt was cast on the Fifth Committee's ability to take practical decisions.

14. Mr. SPAANS (Netherlands) said that his delegation had joined in the consensus despite some shortcomings in the draft resolution and that it had taken note of the procedure followed. It would continue to make proposals designed to improve the Organization's financial situation when other peace-keeping operations were considered and it hoped that other delegations would do likewise. It was regrettable that countries which provided contingents and paid their contributions should have to bear a disproportionate burden; that system was not likely to encourage those States which paid promptly and on time.

(Mr. Spaans, Netherlands)

15. He regretted that paragraph 12 bis, the inclusion of which in the draft resolution would have been a way of supporting the Secretary-General's efforts to improve the Organization's financial situation had not been adopted, and he asked that the paragraph should be included in the summary record. He would, moreover, have liked all delegations to have shown the same flexibility as some had done, and urged all Member States to honour their financial obligations.

16. Mr. KUZNETSOV (Russian Federation) said that his delegation welcomed the consensus that had been reached during the informal consultations on the draft resolution under consideration. It was however concerned about the procedure followed. It was not usual to single out a particular Member State; such a procedure did not help to foster the necessary climate of cooperation. It should therefore not constitute a precedent. His delegation agreed to make concessions when necessary and expected all other delegations to be equally flexible in order to maintain the spirit of consensus which had prevailed in recent years in the Fifth Committee.

ORGANIZATION OF WORK

17. Mr. GOUMENNY (Ukraine) said that his delegation shared the view expressed at the previous meeting with respect to the open-ended working group on the placement of Member States into the groups for the apportionment of peace-keeping expenses. Given the importance that his country attached to the smooth operation of such bodies, it would not seem desirable for the group to meet during the resumed session of the Fifth Committee. He therefore proposed that the Bureau of the General Assembly should revise its schedule in order to avoid an overlap. In his view, the group should meet in mid-April at the latest.

The meeting rose at 7.40 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
56th meeting
held on
Monday, 28 March 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 138: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

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27 April 1994
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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 134: FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR (continued) (A/C.5/48/L.53)

Draft resolution A/C.5/48/L.53

1. Mrs. ROTHEISER (Austria), introducing draft resolution A/C.5/48/L.53, said that the draft resolution was the result of consensus achieved in informal consultations; she recommended that it should be adopted without a vote.

2. The CHAIRMAN said that he took it that the Committee wished to adopt draft resolution A/C.5/48/L.53 without a vote.

3. Draft resolution A/C.5/48/L.53 was adopted.

4. Mr. SPAANS (Netherlands) said that his delegation was still concerned about arrears in the payment of contributions to ONUSAL and the United Nations Observer Group in Central America (ONUCA). It was regrettable that the final text of the resolution did not incorporate the text of a previous draft resolution submitted by another delegation which had noted that the level of additional contributions apportioned among member States was unnecessarily high. However, he welcomed the Committee's adoption of the proposal made by his delegation that approximately $21 million should be appropriated, rather than the lower sum proposed by other delegations which, in its opinion, would not have been sufficient.

5. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 134; he requested the Rapporteur to report thereon directly to the General Assembly.

AGENDA ITEM 131: FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION (continued) (A/C.5/48/L.50)

Draft resolution A/C.5/48/L.50

6. The CHAIRMAN drew attention to draft resolution A/C.5/48/L.50, submitted by Canada on the basis of informal consultations, and said that he took it that the Committee wished to adopt that draft resolution without a vote.

7. Draft resolution A/C.5/48/L.50 was adopted.

8. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 131; he requested the Rapporteur to report thereon directly to the General Assembly.

AGENDA ITEM 166: FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN LIBERIA (continued) (A/C.5/48/L.52)

Draft resolution A/C.5/48/L.52

9. Mr. ZAHID (Morocco), introducing draft resolution A/C.5/48/L.52, said that the draft resolution was the result of consensus achieved in informal consultations; he recommended that it should be adopted without a vote.

10. The CHAIRMAN said that he took it that the Committee wished to adopt draft resolution A/C.5/48/L.52 without a vote.

11. Draft resolution A/C.5/48/L.52 was adopted.

12. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 166; he requested the Rapporteur to report thereon directly to the General Assembly.

AGENDA ITEM 138: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (A/C.5/48/L.69)

13. The CHAIRMAN said that the Committee had before it the report of the Secretary-General on the support account for peace-keeping operations (A/C.5/48/69); in that respect, he drew attention to General Assembly resolution 48/226, of 23 December 1993, and in particular operative paragraphs 1 and 3.

14. Mr. TAKASU (Controller), introducing the report of the Secretary-General on the support account for peace-keeping operations, said that the report had been prepared on an emergency basis in order to draw the attention of the General Assembly to the severe difficulties caused by the adoption of resolution 48/226. He recalled that the Advisory Committee, in its report to the General Assembly (A/48/757), had recommended that a total of 148 posts should be authorized for the six-month period between 1 January and 30 June 1994. However the General Assembly, in its resolution 48/226 of 23 December 1993, had approved 122 additional posts, thereby reducing the number of posts by 26. All 26 were for the Department of Administration and Management and of the 26 posts, 24 had previously been authorized by the Advisory Committee in July 1993 and had been operating between August and December 1993.

15. Although it was considered that support for peace-keeping operations was primarily the function of the Department of Peace-keeping Operations and the Field Operations Division, other units of the Secretariat also provided essential support, without which the effective functioning of peace-keeping operations would be seriously compromised. In that respect, he drew attention to the annex to the report of the Secretary-General, which clearly set out the situation.

(Mr. Takasu)

16. The reduction of posts in the Department of Administration and Management, which was shown in detail in the table appearing in paragraph 1 of the report, had seriously affected the Secretariat's capacity to provide the necessary support services for peace-keeping operations. Paragraph 3 of the report provided details on the difficulties which had arisen in various units of the Department of Administration and Management as a result of the reduction in posts.

17. In view of that situation, the Secretary-General believed that the problem must be resolved as a matter of urgency and was therefore requesting the Committee to review the question with a view to endorsing the Advisory Committee's recommendations contained in paragraph 32.V of its report (A/48/757), especially since the cost of the reinstatement of those posts would be met within the amount already approved by the General Assembly. In that respect, he wished to inform members of the Committee that the report requested in paragraph 3 of General Assembly resolution 48/226 was under preparation and would be circulated as soon as possible along with the Secretary-General's proposals in respect of the posts to be financed from the support account for the period beginning in July 1994.

18. Mr. STITT (United Kingdom) said that, on the substance of the question, in December 1993 his delegation had agreed with the Advisory Committee's recommendation; the reinstatement of the twenty-six posts abolished under General Assembly resolution 48/226 was therefore, in principle, acceptable, within the financial limits imposed by that resolution and on the understanding that the Advisory Committee and the Secretariat would provide information to enable the Committee to review the operation of the support account and assess its transparency at its next resumed session. Nevertheless, he felt that the adoption of decisions should be postponed until a later meeting.

19. From the current perspective, his delegation believed that the decision adopted by the General Assembly in December 1993 had been wrong; that, however, was not surprising, in view of the difficulties which both the Committee and the Advisory Committee had experienced in taking up the documents relating to the budget and the support account, which were closely linked. The debate on these documents by the Committee and the Advisory Committee had culminated, as was becoming customary in the work of the Committee, at the end of the regular session, in a process of mutual concessions and pressures which, although habitual, was illogical and, ultimately, highly unsatisfactory.

20. As to document A/C.5/48/69, he said that his delegation had received it when it had entered the room; he would need at least 24 hours to study it in full and seek instructions from his Government. He did not want to say that an attempt had been made to put pressure on the debate on the document, but the Committee had too much experience with documents provided only 48 hours before they needed to be approved, and Governments did not always have time to determine their positions on subjects that were sometimes complex and important.

21. Mr. BOIN (France) supported the statement by the representative of the United Kingdom that he had been unable to request instructions from his

(Mr. Boin, France)

Government on the subject of document A/C.5/48/69, because he had only just received it upon entering the room. Moreover, the dates on the French and English versions of the document were not the same and he wondered if that was the interpretation given to the term "simultaneous" in the United Nations. The term "simultaneous", in his delegation's view, meant on the same day and he would therefore welcome an explanation from the Secretariat.

22. A review of the report which the Secretary-General had submitted in December had revealed a problem of principle with regard to the posts within the Department of Administration and Management which were to be financed from the support account. There was also a problem of the criteria and justification for the use of funds from the support account for peace-keeping operations. Some delegations were very interested, and continued to be interested, in avoiding what they referred to as double-entry budgeting. Perhaps three months was insufficient time to prepare a report such as the one requested in December, which had still not been received, although there was still a need for the Secretariat to establish transparent and clear criteria and a rational approach. His delegation would welcome further details in order to be able to adopt a decision which was consistent with the budget and acceptable to Governments.

23. He was surprised at the references to overall reductions when what had been decided in December was not to approve certain proposals for the creation of new posts. He was also surprised that the Secretariat had failed to mention any difficulties in the Office of Conference Services, even though there was widespread dissatisfaction with that Office among those delegations which were not lucky enough to speak English. More particularly, the issuance of document A/C.5/48/69 in the unsatisfactory manner which he had just described revealed the increasingly inadequate performance of that Office, a situation which needed to be addressed.

24. While he understood why the Secretariat might expect approval for the 26 posts, as proposed in document A/C.5/48/69, it was necessary to have an exchange of views and informal consultations before a decision was adopted. Even though the Secretariat was working in good faith and was not attempting to force the adoption of its recommendations on such a sensitive matter, it must be emphasized that the material working conditions of delegations were neither easy nor satisfactory.

25. His delegation would be flexible and cooperative but, whatever decisions were adopted with regard to the 26 posts, it believed it was essential for the Secretariat to submit a report which clearly explained the criteria used to justify the use of funds from the support account for peace-keeping operations, together with the recommendations of the Advisory Committee, which should be made available as soon as possible.

26. Mr. STÖCKL (Germany) said that his delegation was ready to give favourable consideration to the reinstatement of the 26 posts and looked forward to studying the report of the Secretariat containing clarifications and the precise criteria to be used in future for determining which posts should be financed from the support account for peace-keeping operations. As for the problems

(Mr. Stöckl, Germany)

faced by the Department of Administration and Management, he was of the view that everyone concerned should cooperate in order to find a solution whereby favourable consideration could be given to the request of the Secretary-General contained in document A/C.5/48/69.

27. Mr. GRANT (United States of America) said that his Government viewed the question of the support account for peace-keeping operations as an important and sensitive one, which it believed should be considered within the broader context of the discussion on the account as a whole. Generally speaking, he preferred that approach rather than that of dealing with one particular aspect of the support account.

28. As mentioned in paragraph 4 of the Secretary-General's report, the cost of the reinstatement of the posts would be met within the amount already approved in the General Assembly resolution. He wondered what the situation would be if, for example, the posts were not reinstated; which other parts of the Organization's activities financed from the support account could generate the savings that had led to the conclusion arrived at in the document, and other such questions.

29. Mrs. SAEKI (Japan) said that the Fifth Committee was constantly calling for responsibility, transparency, good management, etc., but it was also its responsibility to request the Secretariat to do a good job, and for that it had to provide the necessary resources. Although the Committee could wait for a report setting out the conceptual approach, it was now in a position to adopt a provisional decision supporting the proposals put forward in the Secretary-General's report, which would be reviewed when the issues of principle were considered at a later stage.

30. Mr. CHUINKAM (Cameroon) said he fully supported the proposal that the 26 posts should be reinstated and agreed with the views expressed by the delegations of the United Kingdom, Germany, and, in particular, Japan.

31. Mr. DAMICO (Brazil) supported the Secretariat's arguments and recalled the repercussions which previous decisions had had, particularly in circumstances in which the effectiveness of the Secretariat's work appeared to be jeopardized. He hoped that, following informal consultations, his delegation would be in a position to adopt a decision with regard to the recommendations contained in document A/C.5/48/69. Since the reinstatement of the 26 posts did not entail an increased level of resources, he did not foresee any difficulties in approving the Secretary-General's proposals.

32. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had not considered it necessary to submit comments on document A/C.5/48/69, since it had done so the previous year. Nevertheless, had the request entailed the allocation of additional funds, the Advisory Committee would have formulated its comments.

33. In paragraph 2 of resolution 48/226, the General Assembly authorized the Secretary-General to enter into commitments to cover costs borne by the support

account in an amount not to exceed $16,376,250, as recommended by the Advisory Committee in paragraph 34 of its report (A/48/757). However, a problem had arisen in that the figures recommended by the Committee had been accepted in toto, but the total number of posts recommended by the Advisory Committee had not been accepted.

34. Secondly, the issues of principle relating to the posts to be charged to the support account or to the regular budget, particularly those in the Department of Administration and Management, had been considered on a provisional basis, and owing to the delay in submission of the Secretary-General's original report (A/48/470), the Committee had decided to postpone submission of detailed comments on those issues until 1994; that position had been adopted without prejudice to that to be adopted regarding the issues of principle, as indicated in paragraph 7 of the Advisory Committee's report.

35. Mr. BOIN (France) asked whether the report that was awaited was that of the Advisory Committee or of the Secretary-General. In any event, what was important was when the document would be issued so that the matter could be taken up during the current or the following week.

36. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) indicated that in paragraph 6 of its report (A/48/757), the Advisory Committee requested the Secretary-General to submit to it a report containing conceptual principles and a practical rationale. The Committee would make its recommendations on that report at its next session, which was to begin on 3 May 1994.

37. Mr. JU Kuilin (China) said that, like other delegations, China needed to examine more carefully the report in document A/C.5/48/69 which had just been distributed. The Committee should ensure that no obstacles were placed in the way of peace-keeping activities. Consequently, given the difficulties reported by the Secretary-General in his report, his delegation agreed with others, such as that of Japan, that the question should be considered in greater depth. The Secretariat should be requested to provide more information, such as the exact amounts proposed by the Secretary-General and the amounts recommended by the Advisory Committee. He wondered what effect the addition of the 26 posts would have on available resources and he believed that it would be useful to compare the estimates and the quantities proposed, as well as to determine the exact number of posts that were necessary.

38. Mr. SPAANS (Netherlands) said that, even though the Secretariat had made it clear that an emergency situation existed and the Secretary-General had requested the General Assembly to give urgent consideration to the matter, there was no need to adopt a hasty decision. Given the Committee's heavy workload and the fact that many delegations had not had time to study the latest document that had been distributed, he proposed that a short official meeting should be held later in the week for the purpose of adopting a decision on the specific request submitted by the Secretary-General for the establishment of 26 additional posts (or 51, according to his delegation's calculations),

(Mr. Spaans, Netherlands)

irrespective of the Committee's debate on the overall question or on the support account itself.

39. Mr. KELLY (Ireland) supported the proposal made by the representative of the Netherlands.

40. Mrs. EMERSON (Portugal) supported the proposal made by the representative of the Netherlands and said that, in the light of the information provided by the Controller on behalf of the Secretary-General and the report submitted by the Advisory Committee (A/48/757), Portugal supported the reinstatement of the 26 posts in question pending a new report on which the Committee would base its decisions with effect from 1 July 1994.

41. Mr. GRANT (United States of America) regretted that the Committee felt pressured to adopt an immediate decision and wished to place on record that his delegation would not subject itself to any deadline in the consideration of the matter.

The meeting rose at 12.02 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
57th meeting
held on
Tuesday, 29 March 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 164: FINANCING OF THE UNITED NATIONS OBSERVER MISSION UGANDA-RWANDA (continued)

AGENDA ITEM 173: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (continued)

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A/C.5/48/SR.57
18 April 1994
ENGLISH
ORIGINAL: FRENCH

94-80563 (E)

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 164: FINANCING OF THE UNITED NATIONS OBSERVER MISSION UGANDA-RWANDA (continued) (A/48/636 and A/48/908)

AGENDA ITEM 173: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (continued) (A/48/837 and Corr.1 and A/48/908)

1. Mr. TAKASU (Controller) provided details concerning the reports of the Secretary-General on the financing of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) (A/48/636) and of the United Nations Assistance Mission for Rwanda (UNAMIR) (A/48/837 and Corr.1). As indicated in the report of the Advisory Committee on Administrative and Budgetary Questions (A/48/908), especially paragraph 7, the amounts initially proposed by the Secretary-General had been revised. The deployment of civilian staff and helicopters to the mission area had been delayed and the number of helicopters had been reduced from seven to six, thus decreasing the estimated expenditures; however, the early deployment of the second battalion had partially offset those economies. Lastly, the Advisory Committee had recommended that the post of information officer should be deleted. In the light of those revisions, the appropriation recommended by the Advisory Committee was $45,826,700 gross, as stated in paragraph 13 of the Committee's report.

2. He further confirmed that, in accordance with paragraph 33 of document A/48/636, the integration of UNOMUR within UNAMIR would be purely administrative in nature and would not affect the mandate of UNOMUR as set out in Security Council resolution 846 (1993). Lastly, he said that the Secretary-General had no objections to the procedure recommended by the Advisory Committee in paragraph 19 of its report for the period beyond 4 April 1994. Nevertheless, he wished to draw the attention of the Fifth Committee to the fact that the period in question began the following week.

3. Mr. BOIN (France) said that, while he had taken note of the decrease in some estimated expenditures, such decreases resulted mainly from the deferral of certain expenditures. He therefore he wished to know what action had been taken to comply with the requests contained in Security Council resolutions 872 (1993) (paragraph 9) and 893 (1994) (paragraph 7), in which the Secretary-General had been requested to consider ways of reducing the total maximum strength of UNAMIR without thereby affecting the capacity of UNAMIR to carry out its mandate, and to continue to monitor the size and cost of UNAMIR in order to seek economies.

4. His delegation supported the Advisory Committee's recommendation in paragraph 9 of its report concerning the cost of travel. It appeared that economies could be sought with regard to the transport of baggage; the question should perhaps be taken up in the more general context of the consideration of agenda item 138 (Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations).

5. Mr. TAKASU (Controller) recalled that the efforts made by the Secretary-General to seek economies were described in paragraph 8 of the Advisory Committee's report. For example, the civilian staff strength had been reduced and its deployment voluntarily deferred, and the estimates for air operations had been reduced by more than $3 million. Although partially offset by the early deployment of the second battalion, those substantial economies reflected the Secretary-General's desire to comply with the wishes of the Security Council in that regard.

The meeting rose at 11.05 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
58th meeting
held on
Wednesday, 30 March 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mrs. EMERSON (Portugal)
(Vice-Chairman)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued)

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The meeting was called to order at 10.35 a.m.

AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/C.5/48/36, A/C.5/48/44 and Add.1, A/C.5/48/68 and A/48/915)

1. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that many delegations had been unable to study the report of the Advisory Committee (A/48/915) since it had not been available until that morning. It had been a difficult report to prepare since the Advisory Committee had originally thought of recommending that authorization be given to enter into commitments not exceeding $5.6 million for the Tribunal during the first six months with the intention of subsequently considering a further report from the Secretary-General once the situation with regard to the financing of the Tribunal and its location was clear enough for the Secretary-General to report appropriately to the General Assembly. However, in view of the importance which Member States attached to the item, the Advisory Committee had found itself obliged to consider it at the present stage. For that purpose it had received the report of the Secretary-General (A/C.5/48/44/Add.1), which in part updated the earlier report (A/C.5/48/44).

2. Introducing the report of the Advisory Committee, he referred in particular to section II (Conditions of service and allowances of the members of the International Tribunal) and said that the observations set out therein were the result of lengthy and heated debate in the Committee. As for section III (Revised estimates relating to the financing of the International Tribunal in 1994-1995), he said that, since some questions, including the negotiations between the United Nations and the host country concerning the seat of the Tribunal, had still not been resolved, the Advisory Committee requested the Secretary-General to submit, by 1 November 1994, a further report on the International Tribunal updating the information and taking into account new developments and other aspects relating to the contractual situation and conditions of service of the staff of the Tribunal. In particular, he drew the attention of the Fifth Committee and the Secretariat to paragraph 18, concerning the seat of the Tribunal, and said that the Advisory Committee's intention should not be misinterpreted. There was nothing in that paragraph which prevented the Secretariat from continuing the necessary negotiations concerning the seat of the Tribunal; the Secretary-General was only requested to expedite those negotiations and to report on the outcome prior to the signature of any agreement. That procedure had already been followed in similar situations. As for the Trust Fund for the International Tribunal, pledges had already been made in the amount of $3,363,000, a figure which, under the terms of the Trust Fund, must be taken into account when additional resources were requested from Member States. The authorization to enter into further commitments was for only one year, in other words, until 31 December 1994. According to the Advisory Committee, $11 million should be sufficient; that figure included the $5,594,000 already approved by the General Assembly on the recommendation of the Advisory Committee. The Advisory Committee also pointed out that a decision on the mode of financing of the Tribunal was still pending.

3. Mr. TAKASU (Controller), introducing the reports of the Secretary-General (A/C.5/48/36, A/C.5/48/44 and Add.1), said that, in December 1993, during the regular session, the Secretary-General had proposed a sum of $33.2 million to finance the activities of the Tribunal in 1994 and 1995. The General Assembly, on the basis of the recommendations of the Advisory Committee, had decided to authorize the Secretary-General to enter into commitments not exceeding $5.6 million for the first six months of 1994, pending a definitive decision on the mode of financing of the Tribunal and without prejudice to the recommendations that the Advisory Committee might make to the General Assembly and to the decisions that the Assembly might take thereon with regard to administrative matters such as the location of the Tribunal, the levels and number of staff and the conditions of service of the judges and staff. The General Assembly had also decided to study the mode of financing of the Tribunal during the latter part of the session. Delegations were asked to consider the revised estimates (A/C.5/48/44/Add.1) based on updated information and data together with the earlier report of the Secretary-General on the financing of the Tribunal (A/C.5/48/44). According to the latest estimates, the requirements for 1994-1995 totalled $32,642,700. In paragraph 22 of the revised estimates, and on the basis of the earlier recommendations of the Advisory Committee, the Secretary-General asked the General Assembly to indicate its agreement to The Hague as the seat of the Tribunal, to approve resources for the Tribunal for the biennium 1994-1995, and to determine the mode of financing of the Tribunal and the conditions of service of its members.

4. Although the Secretariat was fully aware of the uncertainty created by certain elements of the estimated expenditure, a number of practical steps had already been taken, such as the election by the General Assembly of 11 judges for four years and the appointment of an Acting Registrar and an Acting Deputy Prosecutor, and negotiations with the authorities of the Netherlands on the practical requirements connected with the premises of the Tribunal were well advanced. Thus, the Secretary-General needed the General Assembly's authorization to enter into commitments, first, so as to be able to offer clear and stable conditions of service to the judges, now that they had been elected for four years, since previously, when funds had been available only for the first six months, their remuneration had been calculated on a daily basis. Second, it was necessary for the location of the seat to be confirmed. The Secretary-General should also be given the means to sign a contract, preferably for four years, for the rental of the premises of the Tribunal. Third, it was necessary to offer security of employment by means of one-year contracts to the highly specialized staff needed by the Tribunal. The present arrangements had allowed only short contracts to be offered and it was therefore very difficult to retain highly qualified international staff. Unless those matters were resolved, the Tribunal could not begin to work effectively.

5. Mr. HAMMARSKJÖLD (Sweden), speaking on behalf of the five Nordic countries, said that it was critically important that the General Assembly should take a decision that would ensure that the Secretary-General had the resources necessary for the functioning of the Tribunal in accordance with the new timetable for its operations as described in document A/C.5/48/44/Add.1. In general, he supported the revised estimates indicated in paragraph 19 of that document and hoped that the Secretary-General's proposals would form the basis for a consensus. At the same time, he noted that it might be necessary to submit further revised estimates to the General Assembly at its forty-ninth

(Mr. Hammarskjöld, Sweden)

session given the hypothetical nature of certain elements, such as the number of posts needed, on which the requirements were based at the present stage. The Nordic countries had already supported the choice of The Hague as the seat of the Tribunal.

6. The Nordic countries considered that the observations and recommendations set out in the report of the Advisory Committee on Administrative and Budgetary Questions (A/48/915) were clearly pertinent and in accordance with the usual budgetary practice of the United Nations. With regard to the conditions of service of the members of the Tribunal, the judges would be working full time and should receive their salary on an annual basis. Similarly, the Nordic countries agreed with the recommendation of the Advisory Committee that other entitlements, such as pensions, should be reviewed when further information was available. In order to facilitate a speedy decision, the Nordic countries were ready to join the consensus based on the recommendations of the Advisory Committee on the understanding that the General Assembly would grant the Secretary-General the necessary degree of flexibility to enter into agreement with the host country and to engage the staff, so that the Tribunal would be able to begin its important work without delays caused by administrative constraints. As a matter of principle, the Secretary-General should be authorized to assess among Member States the amounts authorized for a new activity for which funds had not been provided. Lastly, the Nordic countries fully agreed with the Secretary-General that the nature of the activities to be undertaken required that their core funding should be through assessed contributions. They emphasized that the administration of justice by the United Nations must be in the name of the Organization and under the responsibility of all its Member States. The inclusion of the Tribunal in the regular budget was essential to the safeguarding of its absolute independence and the full financing of its activities. In that connection, the Nordic countries took note of the proposal by the Secretary-General on the use of voluntary contributions.

7. Mr. ZEVELAKIS (Greece), speaking on behalf of the European Union, reaffirmed the view expressed on previous occasions that the Fifth Committee should conclude its consideration of agenda item 159 as soon as possible, bearing in mind the special importance of the smooth running of the Tribunal, but requested the postponement of decisions to a later meeting so as to enable delegations to give careful consideration to the report of the Advisory Committee.

8. Ms. GRAHAM (United States of America) endorsed the opinions expressed by earlier speakers concerning the critical importance of the Tribunal and the need to make the necessary funds for its operation available without delay. In that connection she said that the Tribunal should be financed from the regular budget.

9. Ms. GOICOCHEA (Cuba) regretted that the report of the Advisory Committee and the addendum to the report of the Secretary-General had been made available barely 24 hours before the end of that Committee's work, and said that the matter should be studied further at a subsequent meeting. She agreed on the need to provide the Tribunal with the resources necessary for its smooth operation, but considered that it should be financed from the special account

(Ms. Goicochea, Cuba)

and not from the regular budget. In that connection, she agreed with what was stated in General Assembly resolution 47/235, to the effect that it was for the Assembly to consider and approve the budget of the Organization and to determine the apportionment of its expenses among the Member States, and indicated that the decision of the Security Council that the expenses of the Tribunal should be financed from the regular budget seemed to her unfortunate.

10. Mr. JADMANI (Pakistan) recalled that his delegation had voted in favour of Security Council resolution 827 (1993), which had created the Tribunal and adopted its Statute, and said that his country attached great importance to the functioning of the Tribunal. For that reason his delegation was pleased to note that the Tribunal was well advanced in its preparations for the investigative and judicial phases of its operation, as its President had indicated in his letter of 18 February 1994 addressed to the Chairman of the Fifth Committee (A/C.5/48/68). It would, however, be a matter for regret if the ability of the Tribunal to fulfil its mandate were restricted by the lack of funds. Unfortunately, the recommendation in paragraph 21 of the report of the Advisory Committee (A/48/915) was not very encouraging, since it was another provisional arrangement the consequences of which might adversely affect the sound operation of the Tribunal. In that context, he pointed out that his Government had paid a total of $1 million as a voluntary contribution to the Trust Fund for the Tribunal established by the Secretary-General. The main subject to be considered by the Fifth Committee was, therefore, the mode of financing; specifically, and given that it had been agreed that financing had to come from assessed contributions so as to ensure the Tribunal's neutrality and impartiality, the Fifth Committee should take a permanent decision with regard to the apportionment of those assessments.

11. Ms. PEÑA (Mexico) associated herself with the requests made by the delegations of Greece and Cuba that the debate on the item should be left open, and expressed her reservations as to the financing of the Tribunal from the regular budget.

12. Mr. FRANCIS (Australia) said that his delegation attached great importance to the full and efficient functioning of the Tribunal and believed that the Committee should lose no time in providing stable financing to ensure the Tribunal's sound operation. In that connection, he considered the recommendation of the Advisory Committee that the Secretary-General should continue to be authorized to enter into commitments without assessing the amounts to be unsatisfactory. The fact that the General Assembly had not provided stable funding for the Tribunal had a political dimension, and might also give the impression that the international community was not fully committed to bringing to trial the persons responsible for the violations of humanitarian law which had occurred in the former Yugoslavia; efforts should be made to avoid creating such an impression.

13. Mr. DAMICO (Brazil) said that his delegation's firm support for the activities of the Tribunal was demonstrated by the fact that it had voted in favour of Security Council resolution 827 (1993) establishing the Tribunal. However, he recalled that, on that occasion, his delegation had emphasized that in view of the far-reaching political and legal implications of the initiative,

(Mr. Damico, Brazil)

the matter ought to have been brought to the attention of the General Assembly. His delegation therefore welcomed the resolution adopted by the General Assembly in the latter part of its forty-seventh session in which it reaffirmed that, in accordance with the Charter, decisions concerning the mode of financing of United Nations activities were to be taken by the Assembly. In that connection, his delegation was of the view that, apart from the decisions to be taken in connection with the apportionment of the expenses of the Tribunal, new resources were required to ensure a sound financial basis for its activities, and that Member States were clearly committed to ensuring the sound operation of the Tribunal. It would not be appropriate for its important activities to have to adjust to the narrow limits imposed by the present levels of resources assigned to the programme budget, since that would entail cuts in other activities of the Organization. Lastly, his delegation supported the recommendations of the Advisory Committee to the effect that, at the present stage, a commitment authority should be granted to finance the activities of the Tribunal. The innovative character of that activity required that, before a decision was taken on the amount of resources to be allocated, the Secretariat should be given further time to submit more comprehensive information.

14. Mr. NDOBOLI (Uganda) trusted that the Committee would decide in favour of financing the Tribunal from contributions, thus settling the main problem of the Tribunal's financing. He also expressed the hope that the economically more developed States would be in a position to contribute more fully to the financing and that the remaining outstanding matters would be solved amicably so that the work of the Tribunal could begin without delay.

15. Mr. TARZI (Saudi Arabia) endorsed the opinions expressed by the delegations of Australia and Pakistan and, with respect to the mode of financing, indicated the agreement of his delegation to the assessment of the necessary sums on all Member States.

16. Mr. MAIGA (Mali) said that his delegation was in favour of financing the Tribunal from the regular budget. He commended the Secretariat on the measures taken so far to initiate the activities of the Tribunal, and pointed out that it was for the Fifth Committee and for the General Assembly to ensure the implementation of the policy decision adopted by the Security Council and to safeguard the sound operation of the Tribunal.

17. Mr. ZAHID (Morocco) said that it was important that the Tribunal should begin its operations without delay, and emphasized the need to provide it with a stable and secure financial basis. In that connection, he asked the Controller whether the resources authorized by the Advisory Committee would be adequate for the normal operation of the Tribunal, and how those resources would be financed, bearing in mind that they were not to be assessed. With respect to the mode of financing, his delegation was ready to consider the various possibilities that existed, and he suggested that, if the present procedure were maintained, in other words if the Secretary-General were authorized to enter into commitments for a specific sum, a time-limit of three or six months should be set for reconsideration of the matter by the Committee and the adoption of a definitive decision thereon.

18. Ms. SAEKI (Japan) said that in order to ensure stable funding for the Tribunal it should be financed from the regular budget.

19. Mr. BARIMANI (Islamic Republic of Iran) endorsed the opinions expressed by the delegations of Pakistan, Mali and Saudi Arabia and, with reference to the question of the mode of financing of the Tribunal, said that it should be funded from the regular budget.

20. Mr. TAKASU (Controller), in reply to the questions put by the representative of Morocco, said that the main question that arose in relation to the present mode of financing of the Tribunal was not so much whether the resources approved by the Advisory Committee would be adequate but rather the Secretary-General's room for manoeuvre, particularly in engaging staff, ensuring specific conditions of service and negotiating a rental contract for the premises of the Tribunal for a further year. Those issues were fundamental to the sound operation of the Tribunal, together with securing stable and adequate funding which would make it possible to comply with the authorizations to commit funds.

The meeting rose at 11.35 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
59th meeting
held on
Thursday, 31 March 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 59th MEETING

Chairman:	Mr. HADID	(Algeria)
later:	Mrs. EMERSON (Vice-Chairman)	(Portugal)
later:	Mr. HADID	(Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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(a) UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION (continued)

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AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 165: FINANCING OF THE UNITED NATIONS MISSION IN HAITI (continued) (A/48/803)

1. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, with regard to the financing of the United Nations Mission in Haiti (UNMIH), the Advisory Committee on Administrative and Budgetary Questions recommended that, at the current stage, the sum already approved by the General Assembly by its decision 48/477 of 23 December 1993 should be appropriated, namely, US$ 1,383,000 gross ($1,364,000 net) for the period from 23 September 1993 to 22 March 1994. He added that, subsequent to the report in document A/48/803, the Secretary-General had recommended that the Security Council should extend the mandate of UNMIH for a period of three months (S/1994/311). By its resolution 905 (1994) of 23 March 1994, the Security Council had decided to extend the mandate of UNMIH until 30 June 1994. In a letter dated 28 March 1994 addressed to the Advisory Committee, the Controller had indicated that the estimated cost of maintaining the Mission in its present form from 23 March to 30 June 1994 was $143,700 gross ($138,100 net) and that the requirements for the period after June 1994 were estimated at $44,200 gross ($42,500 net) a month. It should be pointed out that the non-recurrent expenditures incurred under the previous mandate in connection with the survey and technical mission to Haiti and the advance team of 30 persons were not included in the estimated costs of the maintenance of the Mission after 23 March 1994. As the General Assembly was still in session, the Advisory Committee recommended that the Secretary-General should be authorized to enter into commitments in the amount of $143,700 for the period from 23 March to 30 June 1994 and in the amount of $44,200 gross a month for the period after 30 June should the Security Council decide to extend the Mission's mandate.

2. Mr. STITT (United Kingdom) said that, as the Committee would probably have before it a draft decision on the proposals of the Advisory Committee, his delegation would like a representative of the Secretary-General to indicate whether there were sufficient resources in the special account to accommodate those proposals or whether it would be necessary to apportion the expenses for the period after 22 March 1994.

3. Mr. HOSANG (Director, Peace-keeping Financing Division) said that of the amount of approximately $1.3 million apportioned among Member States for the financing of UNMIH, as at 29 March 1994, $486,000 had been received, leaving a balance of $833,000. Since an additional amount of $143,000 was required, authorization would have to be sought to enter into commitments on the understanding that Member States would pay the outstanding balance of $833,000.

AGENDA ITEM 132: FINANCING OF THE ACTIVITIES ARISING FROM SECURITY COUNCIL RESOLUTION 687 (1991) (continued)

(a) UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION (continued) (A/C.5/48/L.49)

4. Mr. KABIR (Rapporteur) introduced draft resolution A/C.5/48/L.49 on the financing of the United Nations Iraq-Kuwait Observation Mission (UNIKOM).

5. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.5/48/L.49 without a vote.

6. Draft resolution A/C.5/48/L.49 was adopted without a vote.

7. Mr. SPAANS (Netherlands) welcomed the adoption by consensus of draft resolution A/C.5/48/L.49 and said that his country's authorities were prepared to consider the rationalization of the budgetary procedures of the General Assembly, an issue which the Secretary-General had raised repeatedly in his reports on the financing of peace-keeping operations. His delegation particularly welcomed the fact that paragraph 18 of the draft resolution used the phrase "on an experimental basis" which could be used again in the future in other similar resolutions. That paragraph provided for a longer period of authorization for the Secretary-General to enter into commitments and a smaller role for the General Assembly in the budgetary process. However, if such improvements were to be possible, the work of the Organization with respect to budgetary matters would have to be improved, as would the participation of Member States, and his delegation was prepared to cooperate with other delegations and with the Secretariat to achieve that objective.

8. Mr. DAMICO (Brazil) said that paragraph 18 of the draft resolution was an experimental provision based on an idea that had been raised for the first time in a key report of the Advisory Committee (A/48/990) and had been endorsed by the General Assembly in resolution 47/218 B, namely, that it might be useful to guarantee resources for a longer period for the financing of peace-keeping operations which had a stable pattern. In applying that provision, the Secretariat would have to take the whole of paragraph 42 of the aforementioned report into account so that no apportionment of expenses should be decided until the Security Council had extended the mandate of UNIKOM.

9. The CHAIRMAN said that the Committee had concluded that stage of its consideration of agenda item 132 (a) and he requested the Rapporteur to report thereon direct to the plenary General Assembly.

AGENDA ITEM 160: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS (continued) (A/C.5/48/L.51)

10. Mrs. EMERSON (Portugal) introduced draft resolution A/C.5/48/L.51 on the financing of the United Nations Peace-keeping Force in Cyprus (UNFICYP) and urged the Committee to adopt it without a vote.

11. Draft resolution A/C.5/48/L.51 was adopted without a vote.

12. Mr. GUREN (Turkey) said that his country had reluctantly joined in the consensus in favour of the draft resolution in order to express its support for the activities of UNFICYP. However, as far as paragraph 16, in particular, was concerned, he wished to state that Turkey's participation in the adoption of the draft resolution should not be construed as recognition by Turkey of the "Government of Cyprus" as the legal Government of the island.

13. Mr. BUIN (France), supported by Mr. ZEVELAKIS (Greece), welcomed the adoption of the draft resolution and the achievement of a rapid consensus. However, he regretted that the funding mechanism used for UNIKOM had not been applied to UNFICYP, which, in his opinion, was a stable operation; that would have allowed the commitment authority to be extended for only a few months so that the budget could have been considered by the Fifth Committee during the regular session of the General Assembly. He regretted that the budget would have to be considered again in December and feared that that might lead to a recurrence of what had happened in December 1992. He hoped that in the following months, the streamlining process would continue and, in that connection, he supported the statement by the Netherlands delegation.

14. Mr. MICHALSKI (United States of America) said that, while his country was pleased to support the resolution, it regretted that it did not include the usual formula which reflected outstanding contributions in respect of peace-keeping operations. He assumed that the deletion of that paragraph, which his delegation had accepted, as well as the deletion of his country's amendment concerning a list of "good and bad payers", had been due to the fact that there were over 120 Member States in arrears, a fact which discredited the generally held notion that the financial crisis of the United Nations was caused by one Member State alone.

15. Mr. JU Kuilin (China) said that, if authorization was granted to enter into commitments for a prolonged period, very serious problems might arise with respect, for example, to the annual nature of the budget and the volume of reserves for peace-keeping operations. It was an issue which affected the interests of many States. The problem of an annual budget had to be considered in the framework of other agenda items and it must be based on various requirements, the most fundamental of which was an efficient and comprehensive system of management. In the current circumstances, his delegation could not accept an annual budget for peace-keeping operations. Unfortunately, the consultations had been very complicated and it had been very difficult to secure the adoption of the resolution. Much more time had been required than had initially been expected for various reasons, including the complicated nature of the issue and the new ideas proposed by certain Member States during the consultations which other delegations had not had time to consider. He expressed the hope that, in future, the Fifth Committee would use the sound working method which was already established. Member States and the Secretariat must show greater understanding and, despite the limitations created by differences of principle, seek to achieve compromise solutions. In his view, that was the way to reduce the volume of work of the Fifth Committee.

16. Mr. STAVRINOS (Cyprus) thanked the members of the Committee for their sensitivity and the sense of justice they had demonstrated by adopting the draft resolution. The statement by the representative of Turkey was indicative of the respect shown by his country for the standards and decisions of the United Nations and for the standards and principles of international law. He merely wished to say that the Government of the Republic of Cyprus was grateful to the United Nations and to all its Member States, with one exception.

17. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 160 and he requested the Rapporteur to report thereon direct to the General Assembly.

AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/C.5/48/36, A/C.5/48/44/Add.1, A/C.5/48/68 and A/48/915)

18. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), referring to a question raised by the representative of Uganda during informal consultations with regard to paragraph 21 of document A/48/915 as to why the Advisory Committee recommended that the authorization to enter into further commitments not exceeding $11 million should cover the period only until 31 December 1994, explained that the report indicated specific areas about which more information on 1994 was required so that the Advisory Committee and the General Assembly could estimate more precisely the budgetary requirements of the Tribunal for 1995. In paragraph 12 of the report, therefore, the Secretary-General was requested to submit, by 1 November 1994, a further report on the International Tribunal. Paragraphs 12 and 13 indicated the type of information required.

19. Mr. STITT (United Kingdom) said that, since, during the informal consultations, the representatives of the Secretary-General had referred to problems concerning the authorization to enter into commitments that would extend beyond the end of 1994, such as the hiring of staff and the leasing of premises for the Tribunal, it was his understanding that the question asked by the representative of Uganda was whether the Advisory Committee, in making a recommendation that would cover only the period until the end of 1994, had taken into consideration the difficulties which that could pose for the Secretariat and its impact on the management of the Tribunal.

20. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, as the Controller had indicated in an informal meeting, if it proved necessary to engage staff for one year, for example, the Secretariat would have to be authorized to conclude the necessary contracts. Similarly, the Financial Regulations established procedures which would permit the Tribunal to enter into obligations beyond the period recommended by the Advisory Committee. Thus, the Secretary-General could conclude contracts and then approach the Advisory Committee and the General Assembly before the end of the year with a request for resources for 1995. For example, the 67 posts proposed for the Investigation and Prosecutorial Units of the Office of the

(Mr. Mselle)

Prosecutor would certainly not have to be filled immediately, but the Secretary-General could proceed to fill some of them to deal with the workload of the Tribunal until the end of 1994.

21. Mr. ZEVELAKIS (Greece), speaking on behalf of the European Union, said that the General Assembly should send a clear message concerning its determination to give effect to the resolution to create the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. The Tribunal must be provided with sufficient resources so that it would be on a stable financial basis that would allow it to fulfil its mandate fully in an objective and independent manner. The European Union supported the Secretary-General's proposals for its financing, but was of the view that commitment authority alone was not sufficient to finance the activities of the Tribunal, and that assessments should also be levied on the Member States. That would allow the Tribunal to hire staff on a long-term basis and to sign a lease for its headquarters, for which negotiations had been concluded. Like the United States, the Nordic countries, Australia and Japan, as well as other countries, the European Union believed that the financing of the Tribunal should be dealt with in a section of the regular budget, without prejudice to the funding of other regular budget activities and programmes. If necessary, the European Union would be ready to accept an additional assessment.

22. With respect to the conditions of service of judges, the European Union endorsed the comments of the representative of Sweden, speaking on behalf of the Nordic countries. In connection with paragraph 17 of the report of the Advisory Committee (A/48/915), it believed that the appropriate arrangements referred to had already been agreed and that the General Assembly should take action on the matter. Finally, the European Union was especially pleased that the host country of the Tribunal was one of its member States. Several of its members had pledged voluntary contributions to the Tribunal.

23. Mr. VARELA (Chile) said he was convinced that the existence of the Tribunal, which would be a valuable tool in helping to restore peace, would contribute to the prevention of further serious violations of international humanitarian law and would allow those responsible for the atrocities which were still being committed in the region to be punished.

24. Chile was prepared to give the Secretary-General authorization to enter into further commitments not exceeding $11 million while awaiting the revised estimates referred to in his report. That would allow the time needed for further study without preventing the Tribunal from beginning its operations as soon as possible.

25. Furthermore, Chile believed that the activities of the Tribunal, which resulted from, and were closely linked to, a peace-keeping operation, should be financed in accordance with the special scale used for such operations, which was a system of financing that sought equity and financial justice.

26. Ms. PENA (Mexico) said that Mexico welcomed the offer of the Netherlands to finance the first few months of the lease of the headquarters of the Tribunal. With regard to the statement by the Secretariat that, as the Tribunal acquired greater experience, it would be necessary to re-evaluate the budget estimates, her delegation believed that the estimates should be reviewed annually in order to ensure appropriate and adequate financing for the Tribunal.

27. She hoped that the Secretariat would be in a position to respond to the questions raised in paragraphs 9, 12 and 13 of the report of the Advisory Committee (A/48/915); her delegation supported general administrative management on an annual basis. On the other hand, it was concerned that the judges of the Tribunal would be remunerated in direct relation to the services required of them; it shared the Advisory Committee's view on that matter as stated in paragraphs 12 and 21 of its report.

28. Mexico had stated its position on the modalities for the financing of the Tribunal at the Committee's 70th, 72nd and 76th meetings (A/C.5/47/SR.70, 72 and 76). Although the establishment of the Tribunal would generate costs that should be shared by all the Member States, she emphasized the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security, the context in which the Council had decided to establish the Tribunal. As the Government of Mexico had noted in document S/25417, the format adopted for the establishment of the Tribunal had bypassed other principal organs of the United Nations, in particular the General Assembly, with regard to the authorization and monitoring of the mechanisms for the maintenance of international peace and security.

29. Her delegation believed that special funding, with resources apportioned in accordance with the scale utilized for activities undertaken under Chapter VII of the Charter, would ensure the necessary financing for the Tribunal and avoid the danger that the resources might be used to meet other objectives established in the Charter. Since the Tribunal was not a permanent mechanism but a special institution, it should be financed as such. Furthermore, if, as some delegations believed, the adoption of a method of financing similar to that for activities undertaken under Chapter VII of the Charter could affect the objectivity and independence of the judges of the Tribunal, the origin and appropriateness of the voluntary contributions made to it should be reviewed.

30. Her delegation expressed its appreciation for the voluntary contributions made by the Governments of Pakistan, Hungary, Spain and Namibia to the trust fund which had been established to allow the Tribunal to begin its work.

31. Mr. DIMOV (Bulgaria) supported the Advisory Committee's proposal contained in paragraph 12 of its report (A/48/915), given that not all conditions for the working of the Tribunal had been made clear and because of the time constraints. His delegation was convinced of the need to provide a stable financial base which would permit the effective utilization of resources and ensure the objectivity and independence of the Tribunal. Effective utilization of resources was of utmost importance to Bulgaria in view of the heavy losses which it had sustained as a result of the sanctions imposed by the Security Council against Serbia and Montenegro.

(Mr. Dimov, Bulgaria)

32. His delegation noted with satisfaction the prevailing positive attitude to voluntary contributions as an important supplement to the core financing of the Tribunal. Finally, it shared the view of the European Union that the General Assembly should send a clear message of its determination to give effect to the resolution to create the International Tribunal, by providing it with all the necessary means to fulfil its mandate.

33. Mrs. Emerson (Portugal) took the Chair.

34. Ms. GOICOCHEA (Cuba) said that she was in general agreement with the views expressed by the representatives of Chile and Mexico. She fully agreed with other delegations on the need to give the Tribunal a sound and stable financial base, and supported the endorsement by General Assembly resolution 47/235 of the principle that the expenses of the Tribunal should be financed from assessed contributions. She therefore disagreed with the view that the Tribunal should be made to rely on voluntary contributions for its functioning. In her view, it should be financed by means of the special scale for several reasons. The Tribunal had been established for the sole purpose of prosecuting persons who were allegedly responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. It was common knowledge that the four Geneva Conventions and the Additional Protocols thereto contemplated situations of war. For that reason, the Security Council, given its special responsibility for maintaining international peace and security, could decide to establish such a mechanism. The link between the establishment of the Tribunal and peace and security was recognized in the ninth preambular paragraph of Security Council resolution 808 (1993).

35. It was regrettable that, in adopting the Statute of the Tribunal, the Security Council had encroached upon an area that was strictly within the competence of the General Assembly, having regard to its decision in article 32 of the Statute that the expenditure of the Tribunal should be met from the regular budget. The General Assembly should examine conflicts of competence between itself and the Security Council. It should also be mentioned, without thereby trying to excuse the Security Council for having adopted decisions which were within the competence of the General Assembly, that the Secretariat bore an essential part of the responsibility, since it had not properly advised the Council on the matter.

36. In paragraph 22 of his report (A/C.5/48/44/Add.1), the Secretary-General requested the General Assembly to determine the conditions of service of the members of the Tribunal. However, since the Security Council had already encroached into that area and the judges had been elected on the understanding that their conditions of services would be the same as those of the judges of the International Court of Justice, there was little that the General Assembly could do in that regard. Consequently, her delegation supported the conclusions and recommendations expressed by the Advisory Committee in paragraphs 8 and 9 of its report (A/48/915).

(Ms. Goicochea, Cuba)

37. The representatives of the Secretary-General had referred to the difficulties which they faced in recruiting personnel because of the duration of the contracts. In that regard, neither document A/C.5/48/44 nor A/C.5/48/44/Add.1 offered detailed justification for the number of posts by categories and other elements, in accordance with the request made by the General Assembly in endorsing the conclusions and recommendations contained in document A/47/980. Cuba would like the Secretariat to indicate the reasons why it had resubmitted requests for posts without proper justification, a recurring practice which, far from facilitating consensus, rendered the negotiations between Member States more difficult. In that regard, Cuba considered it necessary to include in the draft resolution the relevant recommendations contained in paragraphs 12, 13 and 14 of the Advisory Committee's report (A/48/915).

38. While Cuba welcomed the information given informally by the representative of the Netherlands concerning the negotiations over the seat of the Tribunal, in the light of paragraph 18 of the Advisory Committee's report (A/48/915) it was important for the Secretariat to confirm that information officially in order to adopt the relevant decisions requested in the revised estimates submitted by the Secretary-General in paragraph 22 of his report (A/C.5/48/44/Add.1). Furthermore, Cuba wished to request the Secretariat to confirm that the $11 million which had been proposed would permit the Tribunal to discharge its planned functions.

39. Ms. ROTHEISER (Austria) said that her delegation attached the utmost importance to the functioning of, and thus to a sound funding basis for, the Tribunal. Austria was considering making voluntary contributions to the Tribunal as a sign of its commitment to that activity.

40. Austria was satisfied with the information given by the Secretariat in informal consultations that the US$ 11 million recommended by the Advisory Committee until the end of the current year should be sufficient, but believed that an appropriation and assessment would be necessary in order to secure the financial means of the Tribunal. In her view, a mere granting of commitment authority might put the financing of that activity in jeopardy.

41. In order to be able to assess, it was first necessary to decide on the mode of financing, and as a matter of principle, Austria was of the view that, due to the nature of its activities, the Tribunal should be financed from the regular budget. The costs of the Tribunal would represent an additional levy on Member States, taking into account the negative rate of real growth of the regular budget. Her delegation stood ready to take the divergent views of other delegations into account.

42. Mr. MANCINI (Italy) said that his Government's position had been clearly expressed by the delegation of Greece, which had spoken on behalf of the twelve member States of the European Union. Since it was essential for the International Tribunal to have a solid financial base, Italy had decided to make a voluntary contribution to the Tribunal's budget in the amount of three thousand million lire, or approximately $1.9 million.

43. Mr. KELLY (Ireland) supported the statement made by Greece on behalf of the European Union and said that, in view of the great importance of the International Tribunal and the need for it to have a sound financial base, the Government of Ireland had decided to make a voluntary contribution to the Tribunal's Trust Fund in the amount of 15,000 Irish pounds, or approximately $21,000, which would be made available during the summer.

44. Mr. MILLER (Canada) said that the Tribunal should be financed from the United Nations regular budget for the biennium 1994-1995 and that funds should be granted for the remaining months of the biennium not just for 1994. The Tribunal should have a sound and stable financial base; that was essential to its independence and impartiality. Canada shared the concern of Austria and other States that the delay in financing, or insufficient funding, might send the wrong political signals regarding the international community's commitment to the Tribunal.

45. Mr. Hadid (Algeria) resumed the Chair.

46. Mr. DANKWA (Ghana) said it was to be assumed that all Member States had an interest in ensuring that the Tribunal began operating as soon as possible and that it had a sound and secure financial base. Although the Secretariat had indicated that it could work with the amount of $11 million recommended by the Advisory Committee, Ghana would have preferred for the General Assembly to appropriate resources and subsequently to fix assessments; however, paragraph 12 of the Advisory Committee's report (A/48/915) made it clear that such a procedure would not have been proper.

47. His country welcomed the explanation provided in that paragraph of the factors that had caused difficulties for the Secretary-General. In view of the political importance of the issue, Ghana also strongly supported the Advisory Committee's recommendation that the Secretary-General should be authorized to enter into commitments not exceeding $11 million, and hoped that the Secretary-General would be able to submit the report requested.

48. While taking note of the Security Council's wishes regarding the seat of the Tribunal, Ghana recalled the General Assembly's decision to reserve the right to take a final decision on the matter. There was every indication that the only viable offer was that of the Netherlands, and his delegation was prepared to support a decision by the General Assembly on the question. His Government urged the Secretary-General to make every effort to conclude the negotiations as soon as possible, and urged the Government of the Netherlands to provide the facilities required at the lowest cost and in the manner most expedient for the Organization.

49. The question of the assessment and apportionment of contributions must be analysed carefully, and the General Assembly should not bow to pressures external to the Organization. It had been stated that in view of the nature of the activities to be undertaken by the Tribunal, the General Assembly should decide to apply the scale of contributions, to be charged to the regular budget. If the activities were of a legal nature, then the decision should have been taken by the International Court of Justice, which was the competent body. It

(Mr. Dankwa, Ghana)

had also been stated that the Tribunal would deal with human rights questions, and that, accordingly, it was doubtful whether the Security Council was competent to establish it. Ghana believed that any decision taken by the Security Council should relate to the maintenance of international peace and security. The establishment of the Tribunal was a signal from the Security Council that a precedent should be established for the future that would promote international peace and security. Hence, while it might be logical for the costs of the Tribunal to be assessed on the basis of the special scale, other criteria should also be taken into account.

50. Accordingly, in view of the time limitations and in the light of the indication by the Secretariat that it could work with the amount of $11 million, it would be advisable, for the time being, for the General Assembly to accept the Advisory Committee's recommendation and to continue to seek a more acceptable mode of financing. In any case, it was encouraging to note the willingness of some Member States to make voluntary contributions, since even if they could not replace assessed contributions they were a sign that the Secretariat would not lack for funds. It was better to proceed with caution and prudence so that the final decision would have the support of all countries and the credibility of the Organization would be maintained.

51. Mr. MICHALSKI (United States of America) requested the Secretariat to provide a detailed list of countries which had paid their voluntary contributions and those which had made pledges, together with the sums paid or pledged by each one. He also requested the Secretariat to indicate whether, in accordance with paragraph 47 of the report of the Secretary-General (A/C.5/48/44), which dealt with the travel of the accused persons, the United Nations air transport rules would be applied in respect of flights of over nine hours.

52. Mr. BOIN (France) supported the comments made by the United States and requested to be provided with the most recently updated statement of the status of pledges in goods and services, particularly staffing services, that were specially intended for the Prosecutor's Office. It would also be useful to know the number of staff required, for example, by the Prosecutor's Office, as well as the proportion to be financed by voluntary contributions in goods or services. France's main interest was in preserving the independence and impartiality of the Tribunal, since the activities to be undertaken by it were solely of a jurisdictional nature.

53. Ms. GOICOCHEA (Cuba) reminded the Secretariat that she wished to know the official status of the negotiations concerning the seat of the Tribunal and whether the amount of $11 million was appropriate for carrying out the activities envisaged for the current year. In view of the time limitations, she would not go into details about the issues relating to the lack of justification for the posts requested.

/...

54. Mr. TAKASU (Controller), replying to the questions raised by delegations, said that the negotiations were in a final phase, and that all that was needed was the General Assembly's authorization for the signing of the agreements. With regard to the resources recommended for the Tribunal by the Advisory Committee, namely, $11 million for 1994, efforts would be made to keep to that sum and, if other needs arose, guidance would be sought from the General Assembly. With regard to the justification of posts, some areas remained to be defined, as indicated in document A/C.5/48/44 and addendum 1 thereto, which should be considered an integral part of the original document. Paragraph 20 of document A/C.5/48/44/Add.1 and paragraphs 32 and 39 of document A/C.5/48/44 indicated the additional staffing requirements of the Tribunal. Nevertheless, he took note of the Cuban delegation's request; the next report would seek to provide fuller information in the light of the experience gained.

55. Voluntary contributions had so far been received from Hungary, Liechtenstein, Namibia, Spain and Pakistan, and pledges had been made by Canada, Ireland, Italy, Norway, the United States and other countries. The starting-point for the calculation of the travel costs of accused persons had been the assumption that such travel would be basically to and from countries adjacent to and within the region and that, accordingly, the 9-hour rule could be used.

56. Mr. SPAANS (Netherlands) associated himself with the views expressed by the delegation of Greece, took note with interest of the clarifications provided by the Controller in reply to the Cuban delegation's question, and expressed satisfaction at the fact that the negotiations were all but finalized and that all that was needed was for the General Assembly to take decisions regarding the signing of agreements.

The meeting rose at 12.35 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
60th meeting
held on
Thursday, 31 March 1994
at 8 p.m.
New York

SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 8.25 p.m.

AGENDA ITEM 164: FINANCING OF THE UNITED NATIONS MISSION UGANDA-RWANDA (continued)

1. The CHAIRMAN suggested that the members of the Committee should continue consideration of agenda item 164 and drew their attention to draft resolution A/C.5/48/L.54, which had been prepared on the basis of informal consultations and submitted by the representative of Cuba on behalf of the Chairman.

2. Ms. GOICOCHEA (Cuba) introduced draft resolution A/C.5/48/L.54 and hoped that it would be adopted without a vote.

3. The CHAIRMAN said he took it that the Committee wished to adopt draft resolution A/C.5/48/L.54 without a vote.

4. Draft resolution A/C.5/48/L.54 was adopted.

AGENDA ITEM 173: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (continued)

5. The CHAIRMAN suggested that the Committee should continue its consideration of agenda item 173 and drew its attention to draft resolution A/C.5/48/L.55, which had been prepared on the basis of informal consultations and submitted by the representative of Cuba on behalf of the Chairman.

6. Ms. GOICOCHEA (Cuba) introduced draft resolution A/C.5/48/L.55 and expressed the hope that it would be adopted without a vote.

7. The CHAIRMAN said he took it that the Committee wished to adopt draft resolution A/C.5/48/L.55 without a vote.

8. Draft resolution A/C.5/48/L.55 was adopted.

AGENDA ITEM 138: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

9. The CHAIRMAN suggested that the Committee should continue consideration of agenda item 138 and, in particular, the report of the Secretary-General on the support account for peace-keeping operations, and drew its attention to draft resolution A/C.5/48/L.56, which had been prepared on the basis of informal consultations and submitted by the representative of Cuba on behalf of the Chairman.

10. Ms. GOICOCHEA (Cuba) introduced draft resolution A/C.5/48/L.56 and hoped that it would be adopted without a vote.

11. Mr. STITT (United Kingdom) requested clarification on two procedural points. First, the draft resolution under consideration did not reflect the fact that it had been prepared on the basis of informal consultations. Second, the draft resolution had been submitted in provisional form. He wondered whether that meant that the Committee had to suspend the application of rule 120 of the rules of procedure of the General Assembly before taking a decision on the draft resolution.

12. Mr. ACAKPO-SATCHIVI (Committee Secretary) said that the document under consideration was the preliminary version of the draft resolution, which had been submitted in provisional form in order to ensure, in view of the limited amount of time, speedier consideration of the draft and the taking of a decision on it. That practice had been used and was being used in the Fifth Committee, the General Assembly and, particularly, the Security Council. Subsequently, the text submitted would be edited and would reflect the fact that it had been prepared on the basis of informal consultations. With regard to the question of suspending the application of rule 120 of the rules of procedure, he pointed out again that as a rule after the adoption of a draft resolution submitted in provisional form, the text was edited and then issued as a document for general distribution. That was the practice of the General Assembly.

13. The CHAIRMAN said he took it that the Committee wished to adopt draft resolution A/C.5/48/L.56 without a vote.

14. Draft resolution A/C.5/48/L.56 was adopted.

15. Mr. STÖCKL (Germany) said that although his delegation had supported the idea of retaining the 26 additional posts in the Department of Administration and Management from the very start of the discussion of the item under consideration, it wished to receive information from the Secretariat on the geographic distribution of all the approved posts for the support account for peace-keeping operations.

16. Mr. TAKASU (Controller) expressed appreciation to the members of the Committee for approving the 26 posts for the Department of Administration and Management, which were necessary in order to ensure that the Department discharged its functions in meeting the needs of peace-keeping operations. The Secretariat would do everything possible in order, in accordance with paragraph 3 of General Assembly resolution 48/226 of 23 December 1993 and the draft resolution just adopted, to submit a report containing specific proposals and the reasoning with regard to the framework and use of the support account and the regular budget for financing peace-keeping operations, as well as the corresponding proposals by the Secretary-General concerning requirements with regard to the support account.

AGENDA ITEM 165: FINANCING OF THE UNITED NATIONS MISSION IN HAITI (continued)

17. Ms. ROTHEISER (Austria) introduced draft resolution A/C.5/48/L.60, which had been prepared on the basis of informal consultations, and recommended its adoption without a vote.

18. Mr. STITT (United Kingdom) said that his delegation was willing to consider the document, notwithstanding rule 120 of the rules of procedure, largely because it had been prepared on the basis of consensus and had been approved in informal consultations before being submitted to the Committee.

19. Mr. SPAANS (Netherlands) said that his delegation felt that the flexible procedure for the consideration of the question and the adoption of the decision should not become a precedent for the adoption of other decisions by the Committee; members of the Committee were fully entitled to carry out a careful and thorough consideration of proposals that were submitted. His delegation would pay very close attention to the Committee's needs in terms of having sufficient time and information for the adoption of decisions.

20. The CHAIRMAN said that the comments made by the representatives of the United Kingdom and the Netherlands should not be regarded as a proposal to postpone the adoption of decisions on the basis of documents in mimeographed form. If he heard no further comments, he would take it that the Committee wished to adopt draft resolution A/C.5/48/L.60 without a vote.

21. Draft resolution A/C.5/48/L.60 was adopted.

22. Mr. DAMICO (Brazil) said that his delegation had joined in the consensus on draft resolution A/C.5/48/L.60 on the understanding that the General Assembly would revert to the question in the event that talks between the Government of Haiti and the de facto authorities in Port-au-Prince made possible a full-scale deployment of the United Nations mission in Haiti.

The meeting was suspended at 9.10 p.m. and resumed at 9.40 p.m.

AGENDA ITEM 123: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Revised estimates under sections 3, 4 and 11A: United Nations Special Coordinator in the Occupied Territories (A/C.5/48/71)

23. Mr. TAKASU (Controller) introduced the report of the Secretary-General on the revised estimates under sections 3, 4 and 11A (A/C.5/48/71), in which the appointment of a United Nations Special Coordinator in the Occupied Territories was proposed. The total expenditure would amount to US$ 2,368,300 net. It was the Secretary-General's understanding that that expenditure would be covered from the contingency fund. He apologized for the late submission of the report, which had been due to the fact that it had been necessary to make a very careful analysis of the situation.

24. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, because of the late submission of the report of the Secretary-General, there had been no time to issue the related report of the Advisory Committee. Having considered the report of the Secretary-General, the Advisory Committee recommended that the General Assembly should authorize the

(Mr. Mselle)

Secretary-General, subject to the guidelines for the use and operation of the contingency fund, to enter into commitments in the amount of US$ 1,441,200 gross (US$ 1,140,000 net) under section 4 of the proposed programme budget, for the establishment of four temporary posts (one ASG, one D-1, one P-5 and one General Service post for the period from 1 April 1994 to 31 December 1995. The Advisory Committee also recommended that the General Assembly should authorize the Secretary-General to enter into commitments in the amount of US$ 130,000 for the period for from 1 April to 30 June 1994 for non-post requirements, pending his submission of information to supplement paragraph 15 of the report.

25. Mr. SY (Senegal) said that the question was of enormous significance for peace and security in the Middle East, especially in view of the current situation following the Hebron massacre. He supported the Advisory Committee's recommendations, including the recommendation that the Secretary-General should provide additional information by May 1994 to supplement the information given in paragraph 15 of his report.

26. Mr. NDOBOLI (Uganda) supported the Advisory Committee's recommendations, which coincided with the view of his delegation.

27. Mr. JERANDI (Tunisia) said that his delegation could support the establishment of the post of United Nations Special Coordinator in the Occupied Territories but felt that it should be raised to the level of Under-Secretary-General. His delegation proposed that the Committee should support the Advisory Committee's recommendations.

28. The CHAIRMAN read out the following draft decision:

> "Having considered the report of the Secretary-General (A/C.5/48/71) and the related report of the Advisory Committee on Administrative and Budgetary Questions, the Fifth Committee recommends that the General Assembly authorize the Secretary-General to enter into commitments, for the establishment of four temporary posts, in an amount not to exceed US$ 1,140,000 for the period from 1 April 1994 to 31 December 1995, on the understanding that the Special Coordinator will be at the Under-Secretary-General level. The Fifth Committee also recommends that the General Assembly authorize the Secretary-General to enter into commitments in an amount not to exceed US$ 130,100 for the period from 1 April to 30 June 1994 in connection with non-post requirements, pending the submission by the Secretary-General of the report requested by the Advisory Committee."

29. Mr. STÖCKL (Germany) said that his delegation could agree to the establishment of the post of Special Coordinator only at the Assistant Secretary-General level.

30. Mr. SPAANS (Netherlands) proposed that the words "Under-Secretary-General" in the draft decision should be replaced by the words "Assistant Secretary-General".

31. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft decision, as orally amended.

32. The draft decision, as orally amended, was adopted.

33. Mr. HAMIDA (Libyan Arab Jamahiriya), speaking on behalf of the Group of Arab States, said that the proposal to establish the post of United Nations Special Coordinator in the Occupied Territories came at a very opportune time when the Palestinian people were in great need of international assistance and support. It was also very timely in the light of recent events in the region, including the Hebron massacre.

34. The CHAIRMAN said that the Committee had completed the current stage of its consideration of agenda item 123; he requested the Rapporteur to report thereon direct to the General Assembly.

35. Mr. ZAHID (Morocco) said that, according to the Journal of the United Nations, the fourth item on the agenda of the current meeting was "Financing of the United Nations Mission for the Referendum in Western Sahara" and that on that item there was a draft resolution in mimeographed form. He asked whether the Committee would be taking up that item, since his delegation wished to make a statement on it.

36. The CHAIRMAN said that there was no document on the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO) or on the financing of the International Tribunal. The text prepared initially with the provisional symbol A/C.5/48/L.59 had not been the subject of informal consultations. He intended to give the parties concerned the opportunity to reach decisions on those two matters and then discuss them in informal consultations.

37. Mr. ZAHID (Morocco) said that the text with the provisional symbol A/C.5/48/L.59 had in fact not been the subject of a consensus and should not have been given the subheading "Draft resolution submitted by the Chairman following informal consultations". His delegation wished to propose a number of amendments, the first of which was to delete the reference to Security Council resolution 690 (1991), under which MINURSO had been established. Other proposed amendments provided for the following: re-establishment of the post of Special Representative at the level of Assistant Secretary-General, an appeal to the Secretary-General to review his recommendation to ACABQ on using the services of the Special Representative only for "carrying out specific tasks" and to submit his report to the resumed session of the General Assembly, and also a paragraph on approval of expenditures.

The meeting was suspended at 10.25 p.m. and resumed at 11.35 p.m.

AGENDA ITEM 130: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST (continued)

(a) UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (continued)

(b) UNITED NATIONS INTERIM FORCE IN LEBANON (continued)

38. Mr. KABIR (Bangladesh), Rapporteur, said that during the informal consultations that had just been held, it had been possible to come very close to agreeing on the financing of the United Nations Disengagement Observer Force (UNDOF). Owing to lack of time, however, it had not been possible to reach agreement on the financing of the United Nations Interim Force in Lebanon (UNIFIL). In that connection, there had been agreement on taking a provisional measure: authorizing the Secretary-General to assume commitments for a two-month period. The text of the draft decision on the financing of UNDOF read:

"The General Assembly,

Recalling its decision 48/463 of 23 December 1993 on the financing of the United Nations Disengagement Force,

1. Decides, on an exceptional basis, to authorize the Secretary-General to enter into commitments for the maintenance of the Disengagement Force for the period from 1 April to 31 May 1994 in an amount of $5,360,000 gross ($5,198,000 net);

2. Also decides to consider this agenda item at the earliest possible opportunity during the next resumed session".

The text of the draft decision on the financing of UNIFIL read:

"The General Assembly,

Recalling its decision 48/464 of 23 December 1993 on the financing of the United Nations Interim Force in Lebanon,

1. Decides, on an exceptional basis, to authorize the Secretary-General to enter into commitments for the maintenance of the Interim Force for the period from 1 April to 31 May 1994 in an amount of $23,714,000 gross ($22,949,000 net);

2. Also decides to consider this agenda item at the earliest possible opportunity during the next resumed session".

He suggested that the two draft decisions should be adopted without a vote.

39. The CHAIRMAN said that in the draft decision on the financing of UNDOF the phrase "United Nations Disengagement Force" should read "United Nations Disengagement Observer Force". He suggested that the Committee should adopt the draft decisions on the financing of UNDOF and UNIFIL without a vote.

40. It was so decided.

41. Mr. BARIMANI (Islamic Republic of Iran), speaking in explanation of position, said that if the draft decisions under consideration had been put to a vote, his delegation would have abstained.

AGENDA ITEM 162: FINANCING OF THE UNITED NATIONS OBSERVATION MISSION IN GEORGIA (continued)

42. The CHAIRMAN submitted orally a draft decision on the agenda item, which read:

"The General Assembly,

Recalling its decision 48/475 of 23 December 1993 on the financing of the United Nations Observation Mission in Georgia,

Decides, on an exceptional basis, to authorize the Secretary-General to enter into commitments for the maintenance of the United Nations Observation Mission in Georgia for the period from 1 April to 31 May 1994 in an amount of $600,000 ($558,000 net)."

43. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), replying to a query by the representative of the Netherlands, said that earlier the General Assembly, in accordance with the recommendation by the Fifth Committee contained in the report of the Fifth Committee of 23 December 1993 (A/48/823), decided to authorize the Secretary-General to enter into a commitment with regard to the United Nations Observation Mission in Georgia (UNOMIG) for the period from 24 August 1993 to 31 March 1994. With regard to the expiration of that mandate, the Fifth Committee should take a decision on the further financing of the Mission. The Advisory Committee, having reviewed the most recent report of the Secretary-General on the item, in document A/48/699/Add.1 of 24 March 1994, recommended the adoption of the draft decision proposed. ACABQ suggested adopting the draft decision in question with the following amendment: in the second paragraph after the word "basis" insert the words "and pending consideration of the report of the Secretary-General (A/48/669 and Add.1) and the corresponding report of ACABQ".

44. Mr. BOIN (France) said that in view of the exceptional circumstances his delegation was prepared to support the adoption of the draft decision with the oral amendments proposed by the Chairman of ACABQ. Furthermore, he proposed establishing a time-limit for the consideration of the reports of the General Assembly (A/48/699/Add.1) and ACABQ.

45. Mr. ABELIAN (Armenia) asked whether the provisions of Security Council resolution 906 (1994) of 25 March 1994 had been taken into account in drawing up the draft decision under consideration.

46. Mr. ZAHID (Morocco) said that his delegation was prepared to support the proposed draft decision with the oral amendments made to it, as an exception, in view of the circumstances that had arisen and requested the Secretariat not to consider that situation a precedent in drawing up future decisions. He also hoped that the members of the Committee would demonstrate the same constructive approach in settling the question of the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

47. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions), responding to the questions raised by the representatives of Armenia and France, said that the proposals contained in the report of the Secretary-General (A/48/699/Add.1) had been formulated with due regard for the relevant Security Council resolution, and that the Fifth Committee could revert to consideration of that question at the resumed session of the General Assembly from 25 April to 6 May 1994.

48. The CHAIRMAN suggested that the Committee should adopt the draft decision, as orally amended, with due regard for the time-frame proposed by the Chairman of ACABQ.

49. It was so decided.

50. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft decision, as orally revised, without a vote.

51. The draft decision was adopted.

52. Mr. ZAHID (Morocco), speaking in explanation of his delegation's position on the question of the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO), pointed out that, although the draft resolution on the financing of MINURSO (A/C.5/48/L.59) was apparently not the text proposed by the Chairman, it did include the amendments proposed by Morocco. On the basis of that text, Morocco proposed two additional amendments, after which he believed that the Committee could adopt a decision on the question at its current meeting. The first of those amendments related to the post of Under-Secretary-General and the second to the temporary time-frame for the retention of the post of Special Representative. Taking into account those amendments, which had already been discussed on several occasions during the informal consultations, the Committee could adopt a decision on the question, which was particularly important in view of the fact that the official mandate for the financing of MINURSO had already expired. He hoped that the decision could be taken without a vote.

53. Mr. KHENE (Algeria) said that, during the informal consultations, the Vice-Chairman had introduced two amendments to the Chairman's text, the so-called "long" text and the "short" text. Both amendments had been acceptable to all delegations, including his own; however, the delegation of Morocco had introduced two amendments of its own which had not been retained in the final text. It was thus not possible to continue discussing the matter at a formal meeting of the Committee. However, his delegation expressed its readiness to participate in informal consultations on the question.

54. Mr. ZAHID (Morocco) explained that his delegation was not opposed to the amendments which had been introduced to document A/C.5/48/L.59. He then read out the text of the two amendments proposed by his delegation and suggested that document A/C.5/48/L.59 should be adopted with the amendments proposed by Morocco during the informal meeting.

55. The CHAIRMAN suggested that the meeting should be suspended in order to allow the representative of Morocco an opportunity to discuss with the interested parties the amendments he had proposed in informal consultations.

56. Mr. ZAHID (Morocco) said his delegation believed that there was no need to hold informal consultations since such consultations had already been conducted by the Vice-Chairman, who had reported to the Committee on the results of his work.

57. The CHAIRMAN asked whether the proposal of the representative of Morocco was acceptable to all members of the Committee.

58. Mr. DAMICO (Brazil) proposed that, without taking a vote at a formal meeting, the Committee should study ways of resolving problems which arose during informal consultations presided over by a member of a delegation appointed for that purpose by the Chairman.

59. Mr. KHENE (Algeria) explained that his delegation was prepared to adopt draft resolution A/C.5/48/L.59 with the amendments introduced by the Vice-Chairman, but that it did not agree with the amendments proposed by Morocco as they complicated an already complicated situation. His delegation believed that resolutions on the question of the financing of United Nations peace-keeping operations should not deal with matters relating to the functional duties of individual posts. Furthermore, from a procedural standpoint, draft resolution A/C.5/48/L.59 was not an official document and the amendments proposed by Morocco had not been introduced in accordance with the official procedure. In that connection, his delegation was not in a position to participate in a discussion of the aforementioned text at a formal meeting.

60. Mr. ZAHID (Morocco) said that, despite the statements of the Algerian delegation, the text proposed by Morocco did exist, and he read out draft resolution A/C.5/48/L.59 with the amendments proposed by Morocco. The preamble referred to consideration of the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara and the related report of the Advisory Committee on Administrative and Budgetary

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Questions. He proposed that a reference to resolution 690 (1991) regarding the establishment of MINURSO should be included in a second preambular paragraph. He proposed that paragraphs 1 to 3 should be retained as they appeared in document A/C.5/48/L.59 and that paragraph 4 should state that the Secretary-General should be authorized to enter into commitments for the maintenance of MINURSO at a rate not to exceed 4.4 million dollars gross per month for a period of three months beginning 1 May 1994, with the prior concurrence of ACABQ, the said amount to be utilized from the unencumbered balance of appropriations. He proposed that paragraph 5 should include wording regarding the need to reinstate the post of Deputy Special Representative at the level of Assistant Secretary-General. In the next paragraph, the Secretary-General should be invited, in the light of the relevant Security Council resolution, to review his position with regard to the recommendations of ACABQ and to submit a report on the subject to the General Assembly at its next session. He proposed that paragraph 5 of document A/C.5/48/L.59 should be retained as the following paragraph and that the last paragraph should include a decision that the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara" should be included in the provisional agenda of the forty-ninth session or retained in the agenda of the resumed session of the General Assembly.

The meeting was suspended at 12.35 a.m. and resumed at 1.35 a.m.

ORGANIZATION OF WORK

61. The CHAIRMAN suggested that, since it had not been possible during the informal consultations to resolve the issues regarding the remaining two agenda items, consideration of those two items should be postponed until the next meeting, after they had been discussed in informal consultations.

62. Mr. ZAHID (Morocco) said that, during the suspension of the meeting, he had understood that the text of his delegation's proposal was to have been prepared by the Secretariat. Since that text had not been issued, his delegation hoped that it would be ready and distributed by the Committee's next meeting.

63. The CHAIRMAN said that Morocco was entitled to introduce any proposals in accordance with the official procedure and he suggested that consideration of the agenda item in question should be postponed until the Committee's next meeting. He informed members of the Committee that on Monday, 4 April, the Bureau would appoint a coordinator to conduct informal consultations on the question of the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. The informal consultations on the question of the financing of MINURSO would be conducted by the Rapporteur.

The meeting rose at 1.45 a.m.